

**TRANSCRIPT PROCEEDINGS**

---

**IN THE MATTER OF THE ROYAL COMMISSION INTO  
NATIONAL NATURAL DISASTER ARRANGEMENTS**

**DAY 9 TRANSCRIPT**

Continued from Wednesday, 17 June 2020, DAY 8

**CANBERRA**

**10:00 AM, WEDNESDAY, 18 JUNE 2020**

**MR A TOKLEY QC, MS D HOGAN-DORAN SC and MS J AMBIKAPATHY  
appear as Counsel Assisting**

<RESUMING 10:00 AM>

COMMISSIONER BINSKIN: Ms Hogan-Doran, good morning. Let's proceed, please.

5

MS HOGAN-DORAN SC: Good morning, Chair. Good morning, Commissioners. Commissioners, one of the documents tendered in evidence on Tuesday is the response to the Bushfire and Natural Hazards Cooperative Research Centre, dated 1 May, in which they were asked, among other things, to describe any key land management trends.

10

Operator, could you please bring up BNH.500.0001.0001 at page 0006. You don't have it? Let's try that one more time. BNH.500.001.0001. Commissioners, that was behind - Commissioners, I can't tell you where that is. That's not the right document.

15

In any event, Commissioners, what I wanted to do was to share with you some of the observations made in the first two paragraphs. They identify a long historical transfer of responsibility for the protection against hazards to the government and its agencies on the premise that it is better to have properly trained and resourced organisations to respond and protect us.

20

Commissioners, do you have it? You have it? Page 6, I apologise, Commissioners. 0006 at the top.

25

COMMISSIONER BINSKIN: Okay.

MS HOGAN-DORAN SC: I will start that again, it has a long historical transfer of responsibility for the protection against hazards to the government and its agencies on the premise that it is better to have properly trained and resourced organisations to respond and protect us. It also makes the observation that individuals are no longer taking sufficient responsibility for their own risk management, and that governments over many years have allowed this risk transfer to continue to incentives that favour people not taking responsibility.

30

Taking on board those observations, Commissioners, as I mentioned at the opening of these hearings, we sent five scenarios to each of the States and Territories. The aim was to obtain an understanding of how easy or difficult and expensive it would be for individuals to take responsibility for their own risk management. And, Commissioners, you will recall that I said at transcript 596 that it was intended to tender the State and Territory responses this morning, and make them available to the public on the Commission's website soon after.

35

40

We also proposed to take the matter up next week with local councils, and I notified the State and Territories of that. We've received responses from, as at this morning, all but one of the States and Territories. I propose to tender those that are available at this moment. The first is - this is in bundle 9.3 - the notice to give scenarios responses. These are identified in the Supplementary Tender List sent to parties.

45

COMMISSIONER BINSKIN: I have that.

5 MS HOGAN-DORAN SC: The first is the New South Wales Rural Fire Service  
Response to the Notice to Give Information, NTG-HB2-397 dated 16 June 2020.  
That's at 9.3.1. I also tender the Department of Planning, Lands and Heritage,  
Western Australia response to the same Notice to Give, and that response is dated 16  
June 2020. The Department of Premier and Cabinet, Queensland, that's behind 9.3.3,  
10 I have a date here for that, Commissioners, but it mustn't be right because it's the date  
before the scenarios were sent. That's CLQ.001.001.0047 so there's certainty  
amongst parties.

COMMISSIONER BINSKIN: We have that.

15 MS HOGAN-DORAN SC: You don't have that? You do?

COMMISSIONER BINSKIN: We have that.

20 MS HOGAN-DORAN SC: The South Australian Country Fire Service response, that  
is in five parts, all dated 17 June 2020. It's behind 9.3.4 through to 9.3.8; and the  
Department of Environment, Land, Water and Planning response provided this  
morning at 9.3.9 and that's also dated this morning. I understand that there has been,  
or is about to be, a response transmitted to the Commission from the Northern  
Territory and that will be provided to you, Commissioners, in the course of this  
25 morning.

COMMISSIONER BINSKIN: Okay. Thank you for that, and all those documents  
will now be received as exhibits as marked.

30 <EXHIBIT 9.3 NOTICE TO GIVE SCENARIOS RESPONSES>

MS HOGAN-DORAN SC: Commissioners, we've received a notification from the  
State of Queensland who ask the Commission publish a statement advising the reader  
of certain matters concerning the content of that response, and if I may,  
35 Commissioner, I will just read that onto the record.

COMMISSIONER BINSKIN: Please read it onto the record.

40 MS HOGAN-DORAN SC:

*"Queensland's response to those scenarios focused on the planning and environment  
laws and regulations which, to the best of its knowledge, seem relevant to the  
Commission's work. The response is not, and is not intended to be, a comprehensive  
statement of all of the laws and regulations that may apply in all possible types of  
45 activities within the scenarios. You will appreciate that there is a wide range of  
possible alternatives depending upon land type, location, classification, local council  
planning schemes and other variables."*

Commissioner, I also seek to read onto the record the response provided by the Department of Land, Water and Planning of Victoria. Victoria was provided an extension to midday yesterday. Their response was received this morning at 8.11 am:

5

*"The response has been prepared by DELWP in consultation with the Country Fire Authority, having regard to legislation, as it presently stands, based on the facts in NTG-HB2-398 as they stand, and based on the information that could reasonably be obtained in the limited time available."*

10

COMMISSIONER BINSKIN: Thank you.

MS HOGAN-DORAN SC: Commissioners, the intent of identifying the matters at the commencement of the hearing on Tuesday that these documents would be tendered today, and have the deadline, being Tuesday, and a short extension being given to midday yesterday, was to facilitate the counsel assisting team presenting an analysis of their responses for today. That has not been able to be completed. What we intend to do is take that up further with the States and Territories and advance the matters further during the local council week next week, Local Government week, and then again in the State and Territories week - in the following fortnight.

20

COMMISSIONER BINSKIN: Let's do that. And we will get to the bottom of that. It obviously shows the complexity of trying to work through all those scenarios that look simple at the start but obviously aren't.

25

MS HOGAN-DORAN SC: Thank you, Commissioner. I'm also asked to clarify that, when I referred to DELWP, that it is the State of Victoria that has responded. I think I made that clear but I think, as I understand it, the department has responded on behalf of the State of Victoria.

30

COMMISSIONER BINSKIN: Okay. Thank you.

MS HOGAN-DORAN SC: If there's any uncertainty about that, I was just asked to clarify about that.

35

Commissioners, I'm not sure whether or not the Bushfire and Natural Hazards CRC response has been identified yet in the Commission's database. In any event, Commissioner, what I will do is I will take you over to page 12.

40

COMMISSIONER BINSKIN: That is just coming up now.

MS HOGAN-DORAN SC: If we go to page 12. Actually, what I will do is, now that we have the document, if you can go back to 6 and I will just have that document broadcast.

45

COMMISSIONER BINSKIN: That would be good I think then everyone can see it.

MS HOGAN-DORAN SC: Now that we have it, can you go back to page 6. No, page 0006. Not just the page - operator, I will give you the page. That's it. No, no. If you go back to the page you were just a moment ago. Just go back one to the page you were before, page 6 at the bottom. No. Can you get me the document please, the physical document? Operator, you're on 0010, if you can go back to 006 and let's see what that is. No, the numbering is not right. All right. Commissioners, I don't think - I'm not doing this - it's the wrong document. All right. No, no. Go back. Please remove it from the public broadcast –

10 Commissioners, if I may say, we've done pretty well to get this far --

COMMISSIONER BINSKIN: No, you're doing well.

MS HOGAN-DORAN SC: -- in the hearings and we might all be assisted if I wore my reading glasses. All right. Operator, I will just direct you through and go forward until we get to the page that we're trying to identify. Just stop there. Thank you. If you would focus on the first two paragraphs under the question. All right. No, the first - that's the question. Can I have the two paragraphs under the question. Thank you, operator. All right then.

20

In the second sentence you can see, Commissioners, that:

*"There has been a long historical transfer of responsibility for the protection against such hazards, the government and its agencies, on the premise that it is better to have properly trained and resourced organisations to respond and protect us. However, as pointed out by the 2009 Victorian Bushfires Royal Commission, that transfer of responsibility has probably gone too far."*

25

The observation's made that:

30

*"The individuals are no longer taking sufficient responsibility for their own risk management."*

It is then said:

35

*"It is analogous to the community not installing locks on houses because we have a police force to address the risk of burglary."*

Propositions are continued.

40

*"The governments over many years have allowed this risk transfer to continue to incentives that people not taking responsibility."*

If we could just pass from that over to page 0012. So, Commissioners, I made the observation that, in light of those observations and others in submissions that have been received by the Royal Commission, those scenarios were prepared and sent to States and Territories are to examine not just measures that individuals and

45

businesses may take for their properties involving prescribed burning or planned burning but also other measures such as mechanical hazard reduction, thinning, and also other measures such as grazing.

5 COMMISSIONER BINSKIN: Yes, we do have a configuration issue here that we will need to address.

MS HOGAN-DORAN SC: We do. If we could go over to - for some reason the page numbering is not right. If we can go to page 11 at the bottom. On this version that is  
10 being displayed, it is page 15, Commissioners, but the version I have and I think the version you have is 0012.

COMMISSIONER BINSKIN: It's the version we have as well, yes.

15 MS HOGAN-DORAN SC: Yes. So, Commissioners, just identifying that two of the matters that we took the Bushfires and Natural Hazards CRC to is to ask them to respond to certain questions about the usefulness of mechanical clearing of  
vegetation as a tool for managing the risks posed by bushfires, the communities and infrastructure. The response they provided was that there were other methods of fuel  
20 reduction including selected thinning and mechanical removal. And, operator, if you can highlight that paragraph:

*"Although these may be more labour intensive and, therefore, more expensive, they may be more appropriately applied in areas where the use of fire is not practicable,  
25 such as close to housing or other infrastructure where, arguably, it is more effective in reducing the risk."*

I just pause there to note that there's some other submissions that have been received by the Commission and it's taken up as a theme by others, is that mechanical fuel  
30 load reduction also avoids potentially the adverse effects on the air quality through smoke, which we heard the NSW Rural Fire Service Commissioner raise yesterday. It also doesn't carry the risk of fire escape, and it responds to the reality, some may argue, of the progressively narrower window of appropriate weather days for fuel  
reduction burning.

35 The second matter that we asked the BNHCRC to address is, if you go to the next question, operator, concerned the question of grazing by livestock and you will see the response there. So, operator, if you could identify C on the response. Again, we asked the Research Centre to address this question in relation to grazing by livestock,  
40 and its usefulness as a tool and its appropriateness in the regulatory systems to govern it and the economic, social and environmental costs associated with using grazing as a hazard reduction tool and the most cost-effective way of using grazing.

45 As you can see, Commissioners, the response is quite short. It identifies that a project was done after the 2003 fires in the alpine areas of New South Wales and Victoria; it attempted to examine the role that grazing played in reduction of fire. Makes an observation that it was very political, and addresses the issue about the high country.

Refers us to that – it doesn't assist us fully in relation to the other matters that we have raised and we may seek to pursue that, Commissioners, with other responders if that's --

5 COMMISSIONER BINSKIN: That would be good to do, if we could, please.

MS HOGAN-DORAN SC: Thank you. Right. In any event, one of the things we do propose to do is to consider the issue of responsibility and the strategic decision-making around risk, with a focus this morning of the perspective of  
10 Australia's primary industries. First, we will hear - that can be taken down - from about agricultural and pastoral activities with particular insights this morning from the Victorian Farmers Federation and the Northern Territory Cattlemen's Association. Just on that, I've just been informed that we have received another response from the Northern Territory so those will be included in your materials this  
15 morning.

The second panel we will hear from involves forestry and plantations with particular insights from Western Australia and also Victoria. We also acknowledge that many other submissions have been received from those representing land, agriculture and forestry interests across Australia. Commissioners, if it pleases, I propose now to call  
20 the first panel.

COMMISSIONER BINSKIN: Please do.

25 MS HOGAN-DORAN SC: I call David Jochinke, Lisa Gervasoni and Ashley Manicaros.

COMMISSIONER BINSKIN: Good morning to you all. Thank you for joining us this morning, we appreciate it.

30 MR JOCHINKE: Good morning.

MS HOGAN-DORAN SC: Good morning. Good morning, panelists. What I will just do is arrange to have you sworn and then I will address Mr Jochinke and  
35 Ms Gervasoni together. So Mr Jochinke, will you take an oath or affirmation?

MR JOCHINKE: ..... please.

MS HOGAN-DORAN SC: Sorry, could you repeat that. We didn't catch that.

40 MR JOCHINKE: An oath, please.

MS HOGAN-DORAN SC: Okay.

45 <DAVID JOCHINKE, SWORN>

MS HOGAN-DORAN SC: And Ms Gervasoni?

MS GERVASONI: I do.

MS HOGAN-DORAN SC: Will you take an oath or affirmation?

5

MS GERVASONI: Sorry? An oath.

**<LISA GERVASONI, SWORN>**

10 MS HOGAN-DORAN SC: And Mr Manicaros, will you take an oath or affirmation?

MR MANICAROS: I will take an affirmation, please.

**<ASHLEY MANICAROS, AFFIRMED>**

15

**<EXAMINATION BY MS HOGAN-DORAN SC**

MS HOGAN-DORAN SC: Mr Jochinke, you're the president of the Victorian Farmers Federation and also a member of its national board?

20

MR JOCHINKE: Yes, correct.

MS HOGAN-DORAN SC: The VFF, if I may call it that, is Australia's largest State farmer organisation representing, I understand, more than 10,000 farming families and businesses; is that right?

25

MR JOCHINKE: Yes, correct, in the State of Victoria.

MS HOGAN-DORAN SC: In the State of Victoria. Just, if you are able to indicate, what about the national body, representing --

30

MR JOCHINKE: Well, the national body is - the national body is made up as a federation of different organisations, and from that we rely on those organisations to represent their members up to the national level. So we are basically a members' members organisation at the national level and, therefore, rely on those connections to either create policy that advance agriculture, or for us to disseminate information from the national level down to the farmers.

35

MS HOGAN-DORAN SC: You yourself have a Diploma of Applied Science and are a third generation farmer operating a family property at Murra Warra, north of Horsham; is that right?

40

MR JOCHINKE: That's correct.

MS HOGAN-DORAN SC: I understand you produce various broadacre crops and finishing prime lamb.

45

MR JOCHINKE: Yes, that's correct, and I'm also a very active member of our local fire brigade too.

5 MS HOGAN-DORAN SC: Ms Gervasoni, you're the Acting Policy Manager and Senior Stakeholder Advocacy --

MS GERVASONI: No --

10 MS HOGAN-DORAN SC: -- and Policy with the Victorian Farmers Federation?

MS GERVASONI: Sorry, no. No longer acting manager. I'm Senior Stakeholder Policy and Advocacy Advisor at --

15 MS HOGAN-DORAN SC: All right. But you have a background in various planning roles in Victorian rural and regional councils?

MS GERVASONI: I do.

20 MS HOGAN-DORAN SC: And a Bachelor of Applied Science in Planning, and a Master's of Environmental Studies.

MS GERVASONI: Correct.

25 MS HOGAN-DORAN SC: I understand the two of you, or you and your members, prepared a submission to the Royal Commission which is before the Commissioners today?

MR JOCHINKE: Yes.

30 MS HOGAN-DORAN SC: The first thing I want to raise with you, Mr Jochinke and Ms Gervasoni, is you wrote in your submission about the concept of farmers being a 'good neighbour' and you may have heard that the Royal Commission issued five scenarios to each of the States and Territories, and in each scenario a different landowner wanted to take steps to mitigate the risk to their property by undertaking hazard reduction measures. Scenario two involved a farmer in a rural area wanting to undertake hazard reduction burns on their property, mechanical clearing of a portion of the forested bushland on their property, and to graze their livestock in the bordering national park.

40 Now, I appreciate that you're the VFF and, of course, the scenario was intended to apply to farmers across Australia, and we will look to all of the State and Territory responses for their assistance to those farmers. Could you assist the Commissioners by giving some insight into the ease or challenges of the framework for Victorian farmers who want to take responsibility for their land?

45 MR JOCHINKE: Well, for starters, when we look at grazing in particular, especially where we've seen fires, intense fires earlier this year, grazing is the predominant

activity of those farming operations. And for a lot of those operations you cannot eat every blade of grass down during the fire hazard period because you've still got to feed your livestock through to that next autumn when you get predominantly the autumn break to get the next lot of grass to grow. There will always be an element of fire loading on any property because it is the ability of that farmer to feed their livestock through that summer period. So there has always going to be that base load.

However, in a lot of those instances there will be areas on that farm where they will graze down to, have refuge points, especially in densely wooded settings where they can herd their cattle and sheep into those settings so that then if a fire does occur and they have enough time they can be in a secured allotment for a short period of time, where the, either intensity of the fire can't get them or the fire loading itself will be reduced enough for the livestock to survive. Other circumstances or other scenarios where farmers are trying to mitigate their risk is how they place their buildings, their property, to be in an open spot so it can be defended.

When I mean that, it is an area that is usually flatter on their property, so you can get vehicles around, because noting as well, the undulation or topography of some of these properties is quite difficult to get vehicles to and access, and then also their location to amenities such as public roads so you can get access in and out and all weather scenarios. But then, finally, it's that border between, the interface between the private and public land, and the ability for the farmers to, as was discussed previously, mechanically make a barrier between their property and the adjoining, which is generally adjoining Crown land, be it managed by either State or Federal jurisdictions.

That is some of the areas that we have great difficulty in because of either the native vegetation laws that bind farmers that they cannot remove any more than four metres in a combination of either side of their fence line in Victoria; and then also the native vegetation, the trees, the habitat on their farmlands is also quite heavily restricted by the same legislation. So thinning is not a very viable option - is an option that takes a lot of work and requires an offset also on the property to be either put into a covenant or protected for further use.

So you're actually offsetting your ability to reduce your total fire load on the property. And one of the things that we hear a lot of is the extent that farmers can take to reduce the amount of risk that they have on their property. But the mitigating risk, the area where the fires generally come from, is external to their properties. And the intensity of those fires, it's the intensity of that fire front, that has changed over time in many scenarios, and the ability for them to either dampen that risk before it reaches their property but then, when it does reach their property as well, the fact that these fires tend to be a lot more intense, they have ember drops a lot further than what they had previously, making some of the previous plannings negated by our current or even future fires.

MS HOGAN-DORAN SC: Thank you, Mr Jochinke. Ms Gervasoni, could I ask a particular planning question of you, which is: obviously a lot of properties, very

large, will have roads running through them or adjacent to them. In terms of hazard reduction activities dealing with roadside fuel reduction interests, what kind of issues face farmers or Victorian farmers in terms of managing those issues?

5 MS GERVASONI: Thank you, counsel, for that question. I think it raises a broader issue with the current native vegetation controls in Victoria which is clause 52.17 of the Victorian planning provisions, so in every council's planning scheme. There are a range of exemptions that do apply in different circumstances. Mr Jochinke has mentioned potentially the fence line clearing. There are similar provisions for roads.  
10 But across the board, a lot of those exemptions, especially for hazard reduction, specifically tend to apply to the Crown or an agency, so they're not cross-tenure in nature. So it makes it a lot more difficult for a farmer to actually manage that risk on their own property, and even potentially that risk on the border to a road or to a Crown reserve. So it's one of the things that I think ends up being very frustrating for  
15 our members, and quite often very costly to be involved in, with the amount of ecological evidence that is required.

MS HOGAN-DORAN SC: Just speaking about cost, is there a clear understanding of the cost effectiveness of different or various measures?

20 MS GERVASONI: To be honest, I am not aware of that information, but it would be something that I would expect the department could be able to provide.

MS HOGAN-DORAN SC: Are you aware of there being any research that looks at the cost effectiveness of different hazard reduction measures, other than prescribed burning, so mechanical clearing, grazing, things of those natures, of a more recent nature in Australia that has been available to your members?

MS GERVASONI: Look, I suppose I will flip that question a little bit. We do provide information to our members, especially at - in the lead-up to fire seasons. We provide links on our website to CFA and Agriculture Victoria, documents for example, on the types of things and practices that you can do on your farm to try and minimise the risk, I suppose, within your farm and within your good farm practice. And we do, you know, encourage good farm practice. But it would be very difficult  
35 to establish the effectiveness of that, because it really would require a knowledge of, in my opinion, a knowledge of where that property and those controls are related in the broader landscape, and the type of fire event that is warned.

MS HOGAN-DORAN SC: In our first set of hearings and I will put this to both of you but perhaps Mr Jochinke might respond first. The Commission heard some evidence of the impact and damage of natural disasters on crops and livestock and farming infrastructure and, of course, the livelihoods of those working in and supporting the agricultural industry. How is risk of that kind of damage factored into the hazard reduction framework? I suppose you could speak to Victoria.

45 MR JOCHINKE: For individual properties?

MS HOGAN-DORAN SC: Yes.

MR JOCHINKE: Generally, most property owners will have a fire plan on their property that revolves around, first of all, having their first response, that's their  
5 ability to respond to an incident. So, generally, farmers will have a fire trailer, especially in fire prone areas, and sometimes even purchasing older fire equipment off of the Country Fire Authority to use for their own personal use, and to an extent too, where those individual fire groups collectively raise money to buy a second unit or even third units in those scenarios for public use as well. But then when you take  
10 it to the farmer level, things such as protecting the asset and the property - which isn't just the house, it is the outbuildings, it is the things that generate the income for farming - there is a concerted effort and, as noted earlier, to take the guidelines and advice from different agencies to reduce the amount of burden or fuel loading around things like sheds, to do your slashing, to make sure there is cultivation around  
15 protection of your fodder, for example, as well.

And there have been numerous examples of location of those assets to ensure that they are best equipped to get through fire scenarios; so such as putting your hay shed in a laneway, and a laneway is generally where you move your livestock, so  
20 therefore the amount of fuel loading or grass in those areas are quite low compared to the paddocks that you actually want to keep your grass in for those, once again, summer periods. Other methods is, you can remove a very limited amount of trees by the current Victorian guidelines. But you can put that into a scenario of being into the forest interface: the reduction or the ability to reduce the amount of burden or  
25 loading there is once again quite onerous.

So farmers tend not to have the ability to utilise that as their method. So it's very much a mechanical of reducing the amount of fire burden on the ground, and then also planning it on their processes or buildings. And then in the scenario where fires  
30 do come through, people are very generally aware of their ability to protect. But, once again, that ability is on a lot of local knowledge or the ability to have faced those fires previously, and the understanding of which direction the wind conditions, the weather conditions and how those fires would react and, therefore, be able to make an informed decision. One of the biggest issues - sorry, one of the biggest  
35 issues our members have is the change of how those fires have acted especially in the 2020 fires have not acted as they had previously.

MS HOGAN-DORAN SC: Ms Gervasoni, you spoke about the landscape, or the question is more broad about the landscape. Just a question about taking into account  
40 livelihoods of those working and supporting in the agricultural industry, a portion of your submission addresses that question of the prioritisation of those concerns in the risk matrix. If you could just expand on that for the Commissioners?

MS GERVASONI: With pleasure. I suppose I'm looking at one of the lines from  
45 Safer Together that better knowledge equals better decisions. And it's the knowledge of property and quite often - it seems the perception of property is quite often linked to a dwelling rather than linked to all of the aspects of property in the Victorian

5 system, which includes the environment, which includes infrastructure but also includes economic production, including farming. So it's a matter of how do we actually make sure that all of those aspects of property and, you know, also life because rural lives tend to be less urban-based, you're not necessarily always in the dwelling.

10 So it's how do we actually make sure that those potential consequences are being considered, and there is the knowledge on the actual types of production systems and types of assets and property in areas and that's fed through all stages of preparation, response and recovery.

MS HOGAN-DORAN SC: Commissioners, is there anything you wanted to raise with either Mr Jochinke or Ms Gervasoni?

15 COMMISSIONER BINSKIN: Commissioner Bennett has got a question.

20 COMMISSIONER BENNETT: Mr Jochinke, you referred to the changes now that you've noticed in the last year in particular, and I think you said it's a trend you've noticed on what the Victorian farmers might have traditionally done, the impact or the effectiveness of what Victorian farmers might have traditionally done with relation to hazard reduction and fighting fires. I would be interested in knowing what sort of information do you access to make those decisions within - or the farmers making those decisions? I mean, do you go to the Bureau of Meteorology website, you know, the fire app? I mean, what sort of decisions - where do you get your information from?

25 MR JOCHINKE: Unfortunately, it's a lot of experience, in the sense that we're talking about generational farms here in, especially when we're thinking about those alpine settings. On flat land it's a little bit different because you have got a lot more technology and the ability to access a bit more of a linear understanding of what fires, how the fires react. But when you're in an alpine setting it does come down to a lot of what we consider local knowledge, and then also combining that with the weather forecasting.

35 One of the issues we have though, and this year was no different, in those extreme fire examples, your telecommunications is one of the first things to go, just slightly after your electricity, and your ability then to be self-reliant in those scenarios requires you to - you have your generator and UHF to talk to your neighbouring farmers. And I guess one of the classic examples was this year fires moving at a high speed at night-time, where traditionally they might be a cool fire, you have your ability to get on top of or have a containment line controlled.

45 This year, with the movement that occurred in Victoria, those traditional movements of fire, the traditional way they would have moved up a valley or over a ridge seemed to be a lot more intense. And I guess one of the clear examples of what we saw was around the Buchan and Gelantipy areas of which I was able to tour, and the extent where there had been either back-burning or mosaic management of the

landscape did flow down to fires of where management had changed and not necessarily kept up with that fuel loading, there was a significantly hotter burn and almost to an incineration level of those other areas.

5 COMMISSIONER BENNETT: Yes. Okay. Thank you.

COMMISSIONER BINSKIN: We seem to have lost the Northern Territory. I will ask a question. If I go back to, sort of, early on when you were talking. Obviously it's a frustration where you're sharing boundaries with other landowners and managers  
10 that don't have the same imperatives that you do, or the same requirements in managing that land, they have exemptions or whatever. What comeback do you have there to try and put pressure there to try and have them mitigate the risk that ultimately will flow on to your, or your members' lands?

15 MR JOCHINKE: One of the classic examples is roadside native vegetation in those densely forested areas. The roads that we were seeing this year that were either blocked when fires came through but then also took a long time to clear, for us demonstrates that the management of that vegetation, the ability to actually have a clear pathway for both emergency retreat or emergency access post-fires is a huge  
20 concern just as an infrastructure piece of equipment, let alone then that the forest interface that farmers have; because even though the farmers have the responsibility to protect their land, they're also the volunteers that go in and fight the fires in those settings.

25 And the difference between a managed park versus a park that has got a very high fuel loading not only jeopardises your ability to go in and stop that fire coming towards you but then also, when you're actually wanting to be home protecting your own assets, it's quite a paradox there to get that balance right. One of the examples of making it work and seeing it firsthand was that the painted line track between  
30 Buchan and Orbost was a really good example of how fire was stopped by good land management. And what we're seeing is farmers being more frustrated that they're not seeing enough of that around their properties, and then also the ability to have that - the clear line or clear border between their property and the forest or parkland to be managed so that they have got the ability to either reduce the intensity or  
35 the - or the ability to go in and actually, in the right settings, attack the fire and stop it from entering their property.

40 So there is a very big frustration; the laws have made it - yes, saved every tree but, perversely, on the other side, when we're trying to reduce or stop the spread of fires, we've actually had more trees burn, more of the landscape burning, because of our pendulum swinging too far one way.

COMMISSIONER BINSKIN: Thank you very much. I appreciate that answer.

45 MS HOGAN-DORAN SC: Commissioners, Mr Manicaros has come back on the screen.

COMMISSIONER BINSKIN: That's good.

MS HOGAN-DORAN SC: In the interests of time, I don't think we have anything at his end. If I might go to Mr Manicaros next. Mr Manicaros, the Royal Commission  
5 heard evidence yesterday from Ken Baulch, the Director of Policy and Planning  
Bushfires NT and Jonathan Vea, the Assistant Director of Planning Services from the  
Northern Territory Department of Tourism, Sport and Culture, and I think you were  
going to attempt to follow that evidence. We heard that the Bushfires Management  
10 Act applies to 99.8 per cent or thereabouts of the land in the Northern Territory. That  
is, to put it one way, the Act is tenure blind or perhaps to put it another way, tenure  
neutral.

That is, it applies across all tenures, be it pastoral, leasehold, freehold or Aboriginal  
15 land, and that at its core this legislative framework allocates responsibility for  
bushfire management to the landowner. And we also heard separately some other  
experience in the southern regions of volunteer fire brigades. But then again in the  
Northern Territory it's more a case of groups of landholders working together. Could  
you just describe to the Commissioners what that means in the context of the range  
20 lands and the pastoral industry in the Northern Territory speaking as you do as CEO  
of the Northern Territory Cattlemen's Association?

MR MANICAROS: Yes, certainly. So, because of the issue of distance, and the  
Northern Territory pastoral estate takes in approximately 700,000 square kilometres  
25 out of the Northern Territory's total land mass, which is 1.5 million square  
kilometres. The ability to actually draw on the resources of an organised Bushfires  
NT for a coordinated firefighting service is very difficult. Therefore, you find a large  
volunteer network throughout regional Northern Territory and you also find that the  
pastoralists out on the land work together in order to combat fires that start and  
30 generate through the wildfire uncontrolled burns.

MS HOGAN-DORAN SC: Can you give some sense to the Commissioners of your  
members? You give an indication of the size of the landholdings in the Northern  
Territory, but give some sense to the Commissioners of your members and the  
economic value of those landholdings and their product, just to give some context to  
35 all of that work?

MR MANICAROS: Certainly. The average - the average cattle station in the  
Northern Territory is roughly 2700 square kilometres, and the average herd size is  
40 roughly 10,000 head of cattle. We're responsible for 40 per cent of Australia's live  
export to other parts of the world. We are considered a \$1.2 billion industry annually,  
and we employ roughly 10,000 people directly and indirectly. The membership of  
the Northern Territory Cattlemen's Association manages approximately 90 per cent  
of the Northern Territory's herd, which is around 2.2 million head of cattle.

45 MS HOGAN-DORAN SC: Are those economic interests that you've just described  
explicitly taken into account in the risk assessment and the hazard risk reduction

strategy by government in the Northern Territory or is it just implicit by the allocation of that responsibility to the landholder?

5 MR MANICAROS: It's become more and more implicit on the landholder. In fact, it is widely regarded that the landholder will be responsible for combatting bushfires with some limited assistance, and that assistance is reducing year on year due to operational pressures put on budgets. So they take on responsibility, or my members take on responsibility for both the proactive environmental land management which attaches to many of the controlled burns with which the Northern Territory  
10 operates under, and is a fundamental part of our environmental land management in regards to pasture. And then, from a risk point of view, it depends on where that risk is assessed.

15 Increasingly, what we find though, counsel, is that we are more at the other end of the risk in the context that we are put at risk by neighbours, whether they primarily be land trust land or whether they be national parks, who are not as proactive in their environmental land management as our own members of the Northern Territory Cattlemen's Association are.

20 MS HOGAN-DORAN SC: And when you refer to national parks, they're national parks by name but they're under Commonwealth control; is that right?

25 MR MANICAROS: No. So when I refer to national parks, sorry, I'm referring to not necessarily Commonwealth but also Northern Territory government controlled parks.

30 MS HOGAN-DORAN SC: I see. You spoke just a moment ago about pasture, and we heard some evidence yesterday, a little, about the vexed issue of Gamba grass. That's transcript 721. As I understand it, it has been in the economic interests of pastoralists to use this introduced grass a fodder, but that there is a risk it can escape pastoral leases and get into those Territory parks and conservation areas. We also heard that, as a high biomass weed, it provides, or can provide, extensive additional fuel for fire, creating a real risk to the wider landscapes. Can you just expand a bit more on that for the Commission, but also to understand how those kind of trade-offs are managed in hazard reduction terms by landholders and in your experience?

35 MR MANICAROS: So grazing in relation to Gamba grass is, as you have rightly pointed out, counsel, as the evidence received yesterday, can be used as an important fodder for the livestock out on the pastoral properties. But it also has, when not controlled, either kept short through the livestock grazing or not dealt with at all,  
40 burns what is colloquially known in the Northern Territory as hot. And it can be uncontrollable when it does start fire and it burns incredibly hot. It is particularly an issue around regional townships where it hasn't been properly managed, where it's not properly managed on an annual basis by either the landholder or the government agency.

45 There's a number of examples where government land actually has quite strong infestations of Gamba grass. Broadly speaking, though, out on the pastoral

properties, the Gamba grass can be controlled through the livestock grazing. There is, however, one or two permits that exist primarily for the growing of Gamba grass for grazing purposes. The issue of feed and fodder is very much linked to the way the land is controlled and the environmental burn and the economic impact of wildfires that occurs here in the Northern Territory, because pasture is, in fact, considered by the pastoral industry, and grass, is considered as an asset.

MS HOGAN-DORAN SC: Just asking more broadly a question about the planning for burns. I understand that planning takes account or uses the NAFI satellite mapping system. Could you just explain that a little bit more for the Commissioners? I don't know whether the photograph behind you is from that, and perhaps you might just explain how it is used in the planning for burning activities and other hazard reduction activities over a period of time, and then in the course of fire tracking and active fires?

MR MANICAROS: So the North Australian Fire Indicator is an incredibly important tool to pastoralists in the Northern Territory and, in fact, across northern Australia and even down into southern tips of northern South Australia for tracking, monitoring and also proactive burning of fires. The NAFI tool is a satellite based system developed through a grant network over a decade and it has been generated and is managed by the Charles Darwin University. Its importance is that it is a data repository and also a real-time tracking system updated every 20 minutes, particularly for live - for wildfires and for fires. Pastoralists use it and rely on it because it will give them historical data about fire scarring and also tell them where there has been historical burns.

So it then enables them to combat what areas in the line of a fire front which are likely to burn hotter than others, which means they can be proactive in the management and set up their firebreaks knowing that the historical data is there. So that if there was an area that was burnt out a year or two previously it's less likely to burn hotter than an area that hasn't had a fire go through it in more recent time. It allows them to demonstrate scarring which also allows them to manage where they put their firebreaks.

From an accuracy point of view, because it is satellite based, if there is an emergency threat associated to NAFI, as we heard from evidence given by David a few moments ago, communications are generally one of the first things to suffer in the case of an emergency, particularly a bushfire emergency in built-up areas, because this is - it doesn't - it isn't as susceptible to that type of interruption that we see. And because it is updated every 20 minutes as the satellite passes over, it gives accurate information in real-time. And I have pastoralists who anecdotally tell me that NAFI provides to them a greater, more accurate service than perhaps them standing on their porch and actually looking out from the front porch, seeing smoke that may seem to be 25, 30 kilometres away but might actually only be five.

MS HOGAN-DORAN SC: I see. Commissioners, is there anything arising out of that? I'm sure Commissioner Bennett has a question.

COMMISSIONER BENNETT: Sorry, it's not directly arising out of that, but there's question, something Ms Gervasoni said that makes me want to ask one question. We have heard a lot about the concept in the different jurisdictions that hazard reduction is tenure blind. And yet, Ms Gervasoni, you said that you saw some differences perhaps in, when farmers are looking to engage in hazard reduction, that they have difficulties in negotiating some of the rules and regulations that are in place, and I think you said that don't seem to apply necessarily, in your view, to other lands under different management. Could you just expand upon that just a little bit, because if it's tenure blind, then the same ability to reduce hazards should apply across the board. So I just wondered if you could explain what you were saying before. Thank you.

MS GERVASONI: Okay. So what I was referring to was the table of exemptions at 52.17-7 in all of the Victorian planning schemes. So, obviously, if there was a planned burn that was across tenures, that might be subject to one of these approvals. But as an actual individual landholder, if you were going to do some form of, whether it be burning or mechanical means of removing either native grasslands or vegetation - and our native vegetation includes lopping of trees as well - so those exemptions do not apply to you undertaking those works, they apply to the Crown undertaking those works.

COMMISSIONER BENNETT: I see. Thank you very much. And, Mr Manicaros, do you have anything to add to that with regard to the responsibilities that you say, you know, are happening in the Territory with regard to more individual responsibilities by the cattlemen?

MR MANICAROS: Look, the only thing that I would add is that I would probably identify it more as a priority, whereas there is heavy emphasis placed on the pastoral landholder to ensure that they have firebreaks in place, to ensure that they're doing controlled burns. I'm not sure that the government and its agencies have that same emphasis placed on them in regards to ensuring that there are firebreaks put in place and that they are, in fact, control burning what they need to control burn.

I would also say to you that in recent times in terms of approvals we're seeing a lot more prescribed timings that are not suitable based around weather conditions. So, for example, since the bushfires that have occurred down south, there has been an adoption of policy here in the Northern Territory where they have done more proactive burning, which is a positive thing, but they aren't taking into account the weather conditions at the time that they are doing them. So, for example, I have had pastoralists tell me that the Bushfires NT have turned up to complete a prescribed burn because they said, "On this day we will be doing prescribed burns."

However, there isn't a breath of wind around which means that, effectively, they are starting a fire and then they are not benefitting from the environmental conditions to be able to force that fire along a particular line or ridge to be able to control it. So, effectively, they're doing it because they've been told they have to, but they're not

maximising the benefit of that fire by not - by taking into account the weather conditions.

COMMISSIONER BENNETT: Thank you very much for those responses.

5

MS HOGAN-DORAN SC: Just one last question, to sort of draw on some of the questions that the Commissioners have asked and some of the matters that have come out this morning. What sort of data or information would assist landholders to understand hazards that can be reduced? For example, would a national information service of some kind serve a practical purpose for your average farmer or pastoralist? Perhaps Mr Manicaros, with you.

10

MR MANICAROS: Yes, if I may go first. Can I just say to you that I think nationally we actually possess now the tool through the North Australian Fire Indicator, is the type of tool that the whole of Australia could actually benefit from. It has accumulated a level of data underneath but it's the functionality of the tool developed over a 10-year period. It is relatively inexpensive, it has been inexpensive to develop. It has cost less than a million dollars a year to develop and operate. We think it's the type of tool that should be extended to the entire nation.

15

20

It would eliminate the individual State bodies' requirements for their own maps, that are basically apps that are relevant - sorry, that are required to hang off a communications network, which we've already heard in evidence becomes susceptible in times of danger. And I think that this NAFI, the North Australian Fire Indicator is the type of application that should be adopted nationally, that everyone could actually benefit from because it gives the type of real-time data and also historical data that allows them to track fires, manage fires and be proactively responsible for proactive burning. That would probably be the biggest takeout from me.

25

30

MS HOGAN-DORAN SC: Thanks Mr Manicaros. Mr Jochinke, just to you briefly, because I am running a little under time - over time.

MR JOCHINKE: I would suggest that anything that we could utilise that gives good information in a timely basis- on a real-time basis to any landholder is absolutely critical so that they can make good decisions. As I said, the rule of thumbs no longer really apply. Once again, it's all about them ensuring that they can get access to that information, and in terrain that's not really conducive to the current mobile networks, which is what we heavily rely on, that would be something that has to marry in with whatever systems are in place. But we would see great benefit in something like what Ashley has been speaking about.

35

40

MS HOGAN-DORAN SC: Commissioner, I am running a little behind time. We thank them for --

45

COMMISSIONER BINSKIN: Yes, you are.

MS HOGAN-DORAN SC: Commissioners, might --

COMMISSIONER BINSKIN: But I will say it has been beneficial. It has been a really good session.

5

MS HOGAN-DORAN SC: Might the witnesses are excused? May I say, we have their submissions and, Commissioners, you all received them.

10 COMMISSIONER BINSKIN: Yes, we do appreciate your time this morning. It has been very insightful and we have valued your opinions and your views. So thank you very much. You can be excused.

MR JOCHINKE: Thank you.

15 MR MANICAROS: Thank you.

MS GERVASONI: Thank you.

20 MS HOGAN-DORAN SC: Commissioners, the next panel is another panel of three. I might call Ms Ryan, Hancock Victorian Plantations, Mr Brad Barr, Forest Industries Federation Western Australia, and Ross Hampton, Australian Forestry Products Association. Just waiting for that panel to be sent through from --

25 COMMISSIONER BINSKIN: That's okay.

MS HOGAN-DORAN SC: -- the e-hearing waiting room. I can see them.

30 COMMISSIONER BINSKIN: Mr Barr, Ms Ryan and Mr Hampton, thank you for joining us this morning.

MS HOGAN-DORAN SC: Commissioners, I note that they are all on mute. What I'm going to do is ask in turn Ms Ryan, Mr Barr, then Mr Hampton whether they will take an oath or an affirmation. Ms Ryan, will you take an oath or affirmation?

35 MS RYAN: An affirmation, please.

**<RUTH RYAN, AFFIRMED>**

40 MS HOGAN-DORAN SC: And Mr Barr, will you take an oath or affirmation?

MR BARR: An oath, thank you.

**<BRAD BARR, SWORN>**

45 MS HOGAN-DORAN SC: And Mr Hampton, will you take an oath or affirmation?

MR HAMPTON: The oath. Thank you.

<ROSS HAMPTON, SWORN>

<EXAMINATION BY MS HOGAN-DORAN SC>

5

MS HOGAN-DORAN SC: Ms Ryan, I will just start with you, if I may. Welcome back, you previously assisted the Commission during our first hearing blocks in the context of the Commission's consideration of aerial firefighting. You're the Corporate Fire Manager with Hancock Victorian Plantations. During your evidence in the first hearing block, the Commission received an indication of the economic value of the Hancock Victorian plantations. As I understand it, when you spoke of the value of the potential risk of \$1.5 billion, you were speaking of the processed value of the plantation stock to the market. Is that right? Or was that encompassing a broader number? And Commissioners, I've just - there we go. Ms Ryan, did you hear what I said then?

10  
15

MS RYAN: No, sorry. My connection seemed to time out.

MS HOGAN-DORAN SC: All right. What I was telling the Commissioners, reminding the Commissioners, that you've given us some evidence in the first hearing block in which you had estimated the value of the potential risk of \$1.5 billion. Were you speaking then of the processed value of the plantation stock to market, or was that some narrower or wider estimate?

20

MS RYAN: No. That was the - the value of the plantations themselves. And so the processed value would be many billions more.

25

MS HOGAN-DORAN SC: Right. I also wanted to draw out a sense from you of the value of the plantations to the broader economic activity in the region and the livelihoods supported. Could you sketch that context to the Commissioners?

30

MS RYAN: Yes. Plantations support very much a huge number of jobs, many thousands of jobs, in regional Australia. There are some local government areas, such as the Tumut Tumbarumba area where plantations support up to 18 per cent of all jobs within that local government area, really quite a significant support.

35

MS HOGAN-DORAN SC: To your understanding, how is the risk to that broader economic livelihood, the livelihoods of those other people other than just, you know, you Hancock Victorian Plantations, how is that taken into account on the first part by HVP as the landholder, and on the second hand - second account the risk mitigation frameworks in Victoria?

40

MS RYAN: Yes. As a landholder, we work very hard in protecting the risk of fire on our plantation. It is the biggest risks that we have. And we work through quite a variety of risk management strategies and techniques. But one of the main hearing - main risk management techniques that we are able to get major impact from is the prescribed burning program.

45

MS HOGAN-DORAN SC: Now, Ms Ryan, I'm going to try and battle with the gremlins in the technology again this morning, and have it called up, NND.001.00982.01\_0001, which is the HVP Plantations' submission to the Royal  
5 Commission. And for those following along at home, that's also on the Commission's website. If I could ask you to go to 0030 of the submission, operator, and if we could have that broadcast. You've just spoken about prescribed burning being the principal method of hazard reduction activity that's taken on by HVP in terms of mitigating the risk to self and others. Could you just describe to the Commissioners what we're  
10 seeing here on the screen, which I understand to be the prescribed burning impact on fire behaviour, the Rosedale fire in January 2019, and an indication of what that is?

MS RYAN: Yes.

15 MS HOGAN-DORAN SC: Thank you.

MS RYAN: Yes. That is the - a line scan, an infra-red line scan of the Rosedale fire, and what it takes into account is the original fire path and the subsequent path after the fire was hit by a south-west wind change. Now, to understand this, it is an  
20 infra-red scan, so those parts that are bright red are intensely flaming, intensely burning areas. The original fire started around about 1 o'clock and it headed down in a north - sorry, a south-easterly direction. It took about six hours to travel in that length of that orange arrow on the slide there. And you can see there's an area around that, that's sort of a greyish looking cigar shape, that's the original path of the fire.  
25 That's around about 1200 hectares.

When the south-west wind change hit that fire, it blew out all of the north-east side of the fire virtually, and what you're seeing there is only two hours after that wind change, that fire increased to over - nearly 6000 hectares. And you can see the, sort  
30 of, two bits of fire going in a north-easterly direction from - from that main orange arrow, and they're split with a gap in between them. That gap, which I have indicated with the green polygon there, is an area that was fuel reduced two years before this fire hit. So you can see there's a sort of a shadow behind that where there's no flame and there's no burning.

35 MS HOGAN-DORAN SC: Commissioner Macintosh.

COMMISSIONER MACINTOSH: Sorry, I was just going to say it's a really interesting example, and it shows the fire still flanked it but it leaves a strip unburnt  
40 behind the area which was prescribed burn which obviously protects your assets and probably also slowed the fire, my guess.

MS RYAN: Yes. Unfortunately, our asset is in the north-east of this fire, and so they were still largely consumed, but it probably did provide a little bit of protection there.  
45 There was a farm just to the north-east of that prescribed burn and that remained unburnt and the house there was completely intact after this fire.

MS HOGAN-DORAN SC: Just speaking of that sort of, you know, the consequences of the prescribed burning and by seeing, the way you've just described it, do you have a program of evaluation of the success of the work that is done of prescribed burning and then through a fire season and reviewing, to get some measure of the effectiveness of the hazard reduction measures that are undertaken?

MS RYAN: Yes, we use Phoenix Rapid Fire as our main modelling tool to evaluate the effectiveness of prescribed burning. So what we do is we do multiple scenario modelling with Phoenix. For instance, in our Gippsland modelling, we've done - modelled over 150,000 fires with six different start times, nine different weather streams, nearly a thousand different ignitions points, and three different strategies. Part of those strategies is, one is essentially looking at what would happen if there was no fuel management at all; and another one is what happens with a bit of suppression in there; and then the third one is what is - we time in the next, or put in the next three years' worth of fuel management burning planned in the region and see what effects that has on our plantation risk.

MS HOGAN-DORAN SC: Thank you, Ms Ryan. I might have that brought down from the broadcast. I'm going to turn to you, Mr Hampton, if I may.

MR HAMPTON: Yes.

MS HOGAN-DORAN SC: The Commission has received some evidence and submissions and, as we've just heard, that bushfires can cause significant damage to not just plantations but forestry and wood processing activities.

MR HAMPTON: Mmm.

MS HOGAN-DORAN SC: I just wanted to capture some of the losses from the recent 2019-2020 bushfire season which you address in the Australian Forest Products Association submission. One of them is the Eden woodchip mill. If can you speak to that to give the Commissioners some sense of the impact of the fires, and then I want to raise some other broader issues with you.

MR HAMPTON: Thanks, counsel. It really was a devastating Black Summer for forest industries in Australia, both for plantation industries, which we've been hearing about from Ruth, which lost somewhere towards 100,000 hectares right across Australia over that full season, but also in the native forest estate which, of course, Forest Industries, as you know from our submission and you all know anyway, takes place only in the multiple use forest part. Nevertheless in that part, almost a million hectares was in some way affected. And, counsel, it's a little complicated as we move forward into the months after the fires because - in terms of its impact because the plantation trees, the pine trees that Ruth looks after, have to be used pretty much immediately.

They've only got some months of life in them. They have to be got down and got into the mills otherwise the timber is no good. Whereas the native forest estate bounces.

Some of our trees in Australia are pretty good at resisting fire and bouncing back. So we think - it's uncertain to us at this stage how much of those areas, which were previously designated as forest industry areas, multiple use areas, will be able to be used by our sawmills. But certainly the impacts are going to be large and very long term and cost us quite a lot of jobs and really set us back in terms of our forest industries for quite a few years.

MS HOGAN-DORAN SC: I want to take you to a separate part of your submission which deals, in part, with some historic work that was commissioned by AFPA, a scoping study from Deloitte Access Economics which sought a cost benefit analysis of bushfire mitigation. Just for the record, Commissioners, that's RCN.900.014.0001. One of the things that was observed in that Deloitte Access Economics report was the paucity of research and data analysis about the relative costs and benefits of alternative approaches to bushfire management, and also looked at an alternative policy approach, based in the US, of combining prescribed burning and mechanical removal of hazards. And it proposed a number of case studies. Are you able to bring the Commissioners up to date on what is happening, and I will go to Mr Barr ultimately in relation to work in Western Australia. But where are we up to in understanding that kind of analysis?

MR HAMPTON: Thanks, counsel, and I think the best way to dive into that as a topic is to really answer Commissioner Bennett's query about tenure neutrality existing across Australia and saying yes, it does, but values neutrality doesn't exist. What we've been trying to identify and suggest policy answers for is the fact that, depending on the land manager in charge of the different landscape, they have a different values matrix in which they deploy tenure neutral hazard reduction. A really simple way to look at it is the fact that you might be wanting to do a prescribed burn on the edge of a big city and you just can't do the burn because there's never a day when you're not going to get smoke is not going to blow across the suburbs and you get everyone ringing the radio station complaining about your National Parks Service.

So our suggestion, and we did the Deloitte's work or asked the Deloitte's to do this work to try and prove our cost benefit case, is that in Australia we need to look to some of these other places which also have big bushfire problems and see what they're doing to supplement burning off. And we're talking a lot in Australia about indigenous cultural burning practices and that's a fantastic thing that's happened, but, of course, that's also limited by our communities. We can't just go around burning off all year. What we can do all year is what they're doing in the US: across the US, 23 sites are now implementing what they call a collaborative forest landscape restoration program which has multiple benefits in mind - environmental, community, bushfire mitigation. But the big difference in the US as opposed to Australia is that they're allowed to use, and in fact they're encouraged to use, the biomass, the different sorts of material that they remove from the bush mechanically in order to make that area safer.

They're using it differently across different landscapes. So that's the big thing that's missing in Australia. In our work we think the policy work we've done proves that there's an enormous cost benefit to it. If you start to take into account reducing the bushfire risk to our communities, then the costs of actually using the machines,  
5 which do cost more than using matches, that's a given, but that pays for itself over and over.

MS HOGAN-DORAN SC: Can I ask just a last question. The Deloitte study speaks of having a number of case studies or trials. Are you aware of, or can you inform the  
10 Commissioners about, any existing trials in relation to hazard reduction by means of mechanical or other means beyond prescribed burning?

MR HAMPTON: Yes, and I'm sorry, you did ask that. I'm sorry, I got a bit carried away on the bigger picture. Yes, so in Australia through that advocacy work, we did,  
15 the Federal Government sometime ago, three or so years ago, agreed that - and it also was a policy from the Forest Industry Advisory Council, the government's own advisory group also said they should look into this mechanical removal of fuel as well as matches, and they decided to trial several sites around the country, and I know you're coming to Brad on the WA side, but our understanding is that that  
20 work's ongoing. There has been some first cuts, as it were, of the approach but the results aren't yet in on that.

MS HOGAN-DORAN SC: All right I might take this moment to go to Mr Barr. Mr Barr, in Western Australia, as I understand it, there have been mechanical fuel  
25 reduction trials which were initially one of the recommendations from the 2016 Waroona Fire Inquiry. And, Commissioners, a copy of that report is in your bundle, RCN.900.014.0120. Are you able to assist the Commissioners with an understanding about the current status of the trials? I understand that they're based in the northern Jarrah forest and focus on techniques that seek to remove the mid storey 'fuel  
30 ladders', if you might describe it in that way.

MR BARR: Yes, thank you counsel, I would be happy to do that. The trial itself is located about five kilometres east of the reasonably large town of Collie in the State's south-west. The trial was hosted by the Department of Water, and it was a  
35 collaborative approach with the WA Parks and Wildlife Service, timber industry, Forest Products Commission and local fire brigades, volunteer fire brigades, as well as DFES. So a very - a lot of people were involved. It was a regrowth forest that had been partially, or prepared for clearing in the '70s, and was then acquired by the Department of Water in order to prevent it being cleared for salt, salinity reasons.  
40

It was quite overgrown and the need was identified to remove the ladder fuels. And the ladder fuels are the fuels that allow a fire to transition from a surface fire, burning mainly leaf litter and twigs, up into the canopy where it is able to accelerate because of higher winds higher up, and also more fuel, simply there's more fuel higher up. As  
45 the canopy itself burns and intensity increases exponentially and so does the danger of suppression. So the key things that we wanted to achieve was to, firstly, not make

the situation worse. We were very conscious to not utilise traditional forestry harvesting techniques.

5 Traditional techniques are not effective in this circumstance, was our presupposition.  
We looked at it on first principles. Traditional harvesting equipment can't process  
small trees efficiently, they're too rough on them and they break them, and then you  
end up with a lot of trash on the ground which then becomes fuel. Secondly, they  
typically only extract the main part of the stem because that's the part of the stem that  
10 can be used for sawmilling or woodchipping for whatever other industries that  
presently exist in the local area. The consequence of normal harvesting is that those  
elements of the tree that are really the most flammable are left behind, and that's not  
good if your goal is to try and reduce the overall fuel hazard.

15 Now, I see in your briefing paper that you refer to Procter and McCarthy's report,  
which showed a decrease in fuel hazard after thinning after a period of time, which is  
indeed correct, but you do suffer a period of increased risk because you've  
translocated a lot of flammable material from the canopy to the ground. So what  
needs to happen to make sure that this - you get an immediate benefit in fire  
behaviour or moderated fire behaviour, is to extract the full stem, so - and also to use  
20 equipment that is able to cut and snip many small trees to make a bunch, as it's called  
in forestry, and then that bunch is able to be dragged by a specialised tractor out to  
the edge of the forest and not leave any material behind.

25 Then you, in order to effectively eliminate that fuel or to remove it, you then chip it.  
We took an approach that we didn't necessarily know what market we were going to  
try and sell the material in to defray costs. That wasn't our objective. Our objective  
was to take a very pure approach to it and simply remove the fuel and put markets to  
one side. We figured that - that's more a question for policymakers and politicians to  
decide what to do with the material. We simply wanted to remove it and look at the  
30 consequences from a fire perspective.

Ultimately, we were able to sell the material. It was used in a - to eliminate the need  
to burn so much coal in a power station. So it had some carbon benefits from that  
perspective, but that was - that was a happy coincidence and it actually covered all  
35 the costs of the machinery. The machinery itself, if it was uncosted or there was no  
ability to recover the value of the product, it would have cost somewhere between  
\$1200 and \$1500 per hectare treated which, as you could imagine, could add up  
when you try and scale up the operations to something that has a meaningful impact  
around towns and plantations.  
40

In the US, a similar technique is done by hand; a costing upwards of \$5000 or \$6000  
per hectare to achieve the same level of protection. And the final thing, and then I  
will be quiet soon so that I don't take up too much of the Commissioners' time, is to  
make sure that the coppice or the stumps are controlled. The Australian forest trees  
45 are quite well adapted to re-sprouting from the stump. That's usually a survival  
advantage for these trees after bushfire. But in this case we wanted to suppress that  
regrowth so that we didn't rapidly go back to a high fuel state with those coppicing

and stumps forming better fuels within five to 150 years. We wanted to try and have a mitigating effect on fire behaviour for at least 15 to 20 years.

5 MS HOGAN-DORAN SC: Thanks very much, Mr Barr. Two or three things I need to quickly cover with you, and I will just ask the panel to consider it. If we could go to the Forest Industries Federation WA's submission, which is NND.001.01206.01\_0004. There's a chart there. NND.001.01206.01, and go to page \_0004. What you're about to see is figure 1 which is land tenure categories of native forests in Australia. Now, this chart, which is in your submission, actually comes  
10 from an Australian Forest Products Association document: *Using Fire and Machines to Better Fireproof Our Country Towns* which is a February 2020 proposal which is annexed to the submission of AFPA and, Mr Hampton, your response.

15 A couple of things I wanted to clarify with you. This is in the context of you, Mr Barr, making a recommendation of adoption of a land scale - sorry, adoption of a landscape-scale, tenure blind, whole-of-government, multi-agency approach to wildfire mitigation, response, suppression and recovery. This here is "land tenure categories of native forests in Australia". I will just have you confirm, Mr Hampton, when we spoke of this, you indicated that excludes plantations?  
20

MR HAMPTON: Yes, that's right. Ruth and the others who look after plantations have another two million hectares on top of this 132 million hectares, drawn from the *State of the Forests Report*, by the Department of Ag.

25 MS HOGAN-DORAN SC: That was the second point I wanted to confirm with you. That comes from the 2018 *State of the Forests Report* information which we heard on the first hearing day, Commissioners. I take it, though, that the annotations that are included under each of those headings is the annotations that have been put in by AFPA?  
30

MR BARR: Largely drawn from the *State of the Forests Report*, yes. You will find in the Department of Agriculture similar descriptors. The macro point, of course, is the area that we're involved in is that 7 per cent. And I guess when we're talking about the mechanical fuel reduction, for example, or using machines that's something  
35 we're able to do within our forestry area which is in a multi-use public forest. What a lot of Australians don't realise is that, as you can see from the pie graph, that's only a small segment of that whole State.

40 MS HOGAN-DORAN SC: Commissioners, I'm mindful of the time. There were two other matters I wanted to take Mr Barr to, but I will just flag them. The first is the Djarlma Plan which is RCN.900.014.0066. I will just note that for the record, Mr Barr. But as I understand it, that plan is a framework that has been developed for the Western Australian forestry industry that recognises the trials but also recognises the contributions and insights of indigenous land managers and fire practitioners in WA;  
45 is that right?

MR BARR: Yes, that is correct.

MS HOGAN-DORAN SC: And the second matter just to raise with you: the Western Australian Plantation Managers Fire Agreement, a Memorandum of Understanding which is RCN.900.014.0437; is that an example of landholders, being plantation  
5 owners and managers, agreeing to coordinate their hazard reduction activities with the broader government agencies in WA?

MR BARR: That's partially correct. Primarily that agreement is about response capability and ensuring that the industry fire response assets are equipped to the same  
10 standard and have the same level of training as the State government agencies, and also giving a legal framework by which industry response resources can move beyond their own property boundaries, where to do so would allow them to reduce community risk overall in the event of a bushfire.

15 MS HOGAN-DORAN SC: Thanks, Mr Barr. Ms Ryan, are you aware of similar agreements in Victoria and in the other States and Territories where Hancock Plantations has its activities?

MS RYAN: Yes. Hancock Plantations has significant involvement in a group called  
20 the Green Triangle Forest Owners Conference. This has been going since the late 1970s. It is about cooperatively responding and working in fire management in the border region between South Australia and Victoria, around the Mount Gambier region.

25 MS HOGAN-DORAN SC: All right. Thanks, Ms Ryan. Commissioners, are there any questions from you?

COMMISSIONER BINSKIN: No questions from us. And Mr Barr, you didn't waste  
30 our time. Thank you very much. Appreciate you going through all that information, very valuable. Ms Ryan, thank you very much for your second attendance, you're a repeat offender. We appreciate you making the time available. Mr Hampton thank you very much.

35 MS HOGAN-DORAN SC: Might the witnesses be released from their summons?

COMMISSIONER BINSKIN: The witnesses are released from their summons.  
Thank you very much.

40 MS HOGAN-DORAN SC: Commissioners, would that be a convenient time for the morning adjournment?

COMMISSIONER BINSKIN: I think it's a very convenient time. How about we  
adjourn until 11.45 Canberra time.

45 MS HOGAN-DORAN SC: Thank you, Commissioner.

COMMISSIONER BINSKIN: Thank you.

<ADJOURNED 11:28 PM>

<RESUMING 11:50 AM>

5

COMMISSIONER BINSKIN: Ms Hogan-Doran, let's continue, please.

10 MS HOGAN-DORAN SC: Yes, Chair. Just some housekeeping before we move to  
the next segment of our consideration. The first is I just want to tender the material  
that came out of that most recent panel. This is behind - these are some of the  
materials identified in tab 9.4 of the supplementary tender list circulated to parties.  
I'm tendering 9.4.1 which is the Deloitte *Scoping Study* that was referred to in the  
evidence of Mr Hampton which is RCN.900.014.0001. And also the document at  
15 9.4.2 which is the Forest Products Commission's *Djarlma Plan for the Western  
Australian Forestry Industry: A Framework for Action, 2019 to 2030*. That's  
RCN.900.014.0066.

20 The third document is 9.4.5 which is the memorandum of understanding for mutual  
support in planning and responding to bushfires within or near plantation estates and  
other bushfires as required, which I referred to as the *Western Australian Plantation  
Managers Fire Agreement*. That is RCN.900.014.0437. Those are the only  
documents I presently propose be tendered out of that morning's session. I might just  
deal with those, Chair.

25 COMMISSIONER BINSKIN: Okay. We will take those documents as exhibits as  
they are marked. Thank you.

30 <EXHIBIT 9.4 DOCUMENTS 9.4.1 DELOITTE SCOPING STUDY; 9.4.2  
FOREST PRODUCTS COMMISSION'S DJARIMA PLAN FOR THE WESTERN  
AUSTRALIAN FORESTRY INDUSTRY; 9.4.5 MEMORANDUM OF  
UNDERSTANDING REFERRED TO AS THE WESTERN AUSTRALIAN  
PLANTATION MANAGERS FIRE AGREEMENT>

35 MS HOGAN-DORAN SC: The additional matter is an additional Notice to Give  
response from one of the academic researchers that the Commission approached.  
You may recall on Tuesday I tendered a large number of those. This is an additional  
one that was inadvertently omitted from that tender. In the supplementary tender list  
that is identified as 9.4.7 which is the Research Centre for Future Landscape's  
response to Notice to Give Information NTG-HB2-394 dated 10 June 2020. That's  
40 MIC.500.001.0001.

COMMISSIONER BINSKIN: Okay. We will take that as an exhibit as marked.

45 <EXHIBIT 9.4.7 RESEARCH CENTRE FOR FUTURE LANDSCAPE'S  
RESPONSE TO NOTICE TO GIVE INFORMATION NTGHB2394 DATED 10  
JUNE 2020, MIC.500.001.0001>

MS HOGAN-DORAN SC: And, Commissioners, I was hoping to be able to tender the Northern Territory response to the scenarios. I think that's still being processed into the Commission's systems and then will be loaded from the Commission's system with a new doc ID, sent to the parties with leave online work space. And  
5 when that all has been done, we will ensure that gets tendered today so that is available for next week's hearings.

COMMISSIONER BINSKIN: Okay. Thank you.

10 MS HOGAN-DORAN SC: What I propose to do now is to - there's one more document. Sorry, I apologise, Chair. An additional document 9.1 which is an additional document made available by the State of Queensland and it's Queensland Fire and Emergency Services. This is a document called *Operation Cool Burn 2020 Bushfire Risk Assessment Guide* dated 29 May 2020. QFS.003.001.0001, if that  
15 might be marked 9.1.1.

COMMISSIONER BINSKIN: Okay. We will take that as marked as an exhibit.

20 <EXHIBIT 9.1.1 ADDITIONAL DOCUMENT FROM THE STATE OF QUEENSLAND, QUEENSLAND FIRE AND EMERGENCY SERVICES, OPERATION COOL BURN 2020 BUSHFIRE RISK ASSESSMENT GUIDE DATED 29 MAY 2020, QFS.03.001.0001>

25 MS HOGAN-DORAN SC: Thank you, Commissioners. What I propose to do now is to provide just a short overview of what we are now moving to, and then I will tender the underlying material that will be relevant to the consideration for the rest of the day.

30 So, as I indicated in my opening on Tuesday, the Royal Commission will now receive evidence in respect of traditional land and fire practices. Now, these differ across the country and they're informed by a number of factors including history, geography and technology; and the land and fire practices we will hear have also adapted and changed over time as the environment has changed and the  
35 circumstances of indigenous people have changed.

The evidence, we anticipate, will indicate a core principle of traditional land and fire practice is local knowledge. It comes from a connection to country and understanding of the local conditions and local environment. The evidence will also indicate that traditional land and fire management practices have been successfully  
40 deployed to reduce the effect of wildfires. Terms of reference (g), if I may remind you, Commissioners, requires the Royal Commission "to have regard to any ways in which the traditional land and fire management practices of indigenous Australians could improve Australia's resilience to natural disasters". The Commission has also received a substantial number of public submissions calling for support and  
45 recognition of traditional land and fire practices.

We have now 15 witnesses across three panels for the rest of the day. The first panel is a panel of academics, each of whom has provided a submission to the Royal Commission. The evidence from these witnesses will provide an important historical and contemporary context to this topic. The second panel consists of representatives  
5 from State and Territory agencies on the experience of working with indigenous people to use traditional fire practices as part of a broader hazard reduction framework and activities.

10 And the final panel today, we will hear from indigenous fire practitioners and their personal experience and insights. Commissioners, if I may tender the documents behind - move to the documents behind 9.2. Those are the indigenous fire management materials from 9.2.1 through to 9.2.13. Those are the Cape York Land Council response to the notice to give; the Gunaikurnai Land and Waters Aboriginal Corporation, Kimberley Land Council and additional materials from a number of the  
15 witnesses who will be called in the rest of the day - rest of today. If those all might be marked as exhibits in accordance with the supplementary tender list.

COMMISSIONER BINSKIN: They will be entered in as exhibits as marked as well. Thank you.

20 <EXHIBIT 9.2 DOCUMENTS 9.2.1 TO 9.2.13 RESPONSES TO NOTICES TO GIVE FROM CAPE YORK LAND COUNCIL; THE GUNAIKURNAI LAND AND WATERS ABORIGINAL CORPORATION; KIMBERLEY LAND COUNCIL; AND ADDITIONAL MATERIAL FROM WITNESSES TO BE  
25 CALLED TODAY>

MS HOGAN-DORAN SC: If I can just check one moment. If I have an opportunity, I will come back later today in relation to any supplementary material that emerges.

30 COMMISSIONER BINSKIN: Okay. Thank you.

MS HOGAN-DORAN SC: Thank you, Commissioners.

35 MS AMBIKAPATHY: I call Ms Cavanagh, Dr Michael Shawn-Fletcher, Mr Bhiemie Eckford-Williamson and Dr Timothy Neale.

COMMISSIONER BINSKIN: Good morning. Thank you for joining us today. We appreciate it. Thanks.

40 MS AMBIKAPATHY: Each of the witnesses will be taking an affirmation.

<VANESSA CAVANAGH, AFFIRMED>

45 <TIMOTHY NEALE AFFIRMED>

<BHIAMIE ECKFORD-WILLIAMSON, AFFIRMED>

<MICHAEL SHAWN-FLETCHER, AFFIRMED>

<EXAMINATION BY MS AMBIKAPATHY>

5 MS AMBIKAPATHY: Ms Cavanagh, you provided a submission to the Commission dated 28 April 2020; is that correct?

MS CAVANAGH: Yes, that's correct.

10 MS AMBIKAPATHY: Commissioners, that is tender document 9.2.10 in volume 10. Ms Cavanagh, could you just provide a brief overview of your background for the Commissioners?

MS CAVANAGH: Sure. Jingee Walla, Ngai ngettie Vanessa Cavanagh. My Mirrung  
15 Bungum Bundjalung, Bundjalung doobay, and Wonnarua woman. So my name is Vanessa Cavanagh and I'm an Aboriginal woman and mother from the Bundjalung and Wonnarua Nations. I'm currently employed at the University of Wollongong in the School of Geography and Sustainable Communities as an associate lecturer in Indigenous Geography. I'm also undertaking my PhD. My PhD topic is Aboriginal  
20 women and cultural burning in New South Wales. Prior to my PhD, I undertook my undergrad at the University of Wollongong in the Land and Heritage Management, and I obtained first class honours in looking at Aboriginal people, Bundjalung people and threatened species management.

25 Prior to academia I worked for over two decades in the environmental sector. The first 16 years of this I worked in the New South Wales National Parks and Wildlife Service. I started off there as a field officer. Part of that role of being a field officer was being a firefighter. I got trained up to remote area fire team member, so I was going in and out of bushfires, getting winched in and out of helicopters, and  
30 travelling all across the State.

During my years in that department I also worked in different divisions. So I worked in the Cultural and Heritage division. I worked in Aboriginal Joint Management of national parks, parks operations as well as a researcher. In the corporate sector I  
35 successfully managed a three-year Aboriginal environmental traineeship in south-western Sydney called the Georges River Aboriginal Riverkeeper team, and that saw eight successful Aboriginal trainees get traineeships in conservation land management.

40 Personally, I'm also a landowner and the property that I own was devastated in the Gospers Mountain bushfire over the summer. We're currently in the clean-up and insurance recovery stage of that - of responding to that fire. I also sit on the New South Wales DPIE, Department of Planning, Industry, Environment Cultural Burning Working Group and I advocate for the roles of Aboriginal women in all of  
45 these roles in the work that I do. Thank you.

MS AMBIKAPATHY: Thank you. Dr Fletcher, you along with a number of other academic colleagues, provided a submission to the Commission; is that correct? Dr Fletcher is currently muted.

5 MR SHAWN-FLETCHER: It is, yes, that's correct. Apologies.

MS AMBIKAPATHY: Commissioners, that is tender document 9.2.13 and again that's in volume 10.

10 COMMISSIONER BINSKIN: Thank you.

MS AMBIKAPATHY: Dr Fletcher, could you please provide the Commissioners with an overview of your background.

15 MR SHAWN-FLETCHER: Hello. I'm Associate Professor Michael Shawn-Fletcher. I'm a descendant of the Wiradjuri. I work in the School of Geography at the University of Melbourne. I'm also Assistant Dean Indigenous, in the faculty of science at the University Melbourne and am a member of the Australian Research Council College of Experts. I've been a paleo-ecologist for nearly 20 years, 12 years  
20 post my PhD, and I've worked across the southern hemisphere, having been employed at the University of Melbourne, the Australian National University and the University of Chile.

MS AMBIKAPATHY: Dr Fletcher, I apologise for interrupting. I was wondering if  
25 you could please explain what a paleo-ecologist is?

MR SHAWN-FLETCHER: Yes, that's my next paragraph.

MS AMBIKAPATHY: I'm sorry. Thank you. Go ahead.  
30

MR SHAWN-FLETCHER: My academic work focuses on analysing fossil and subfossil plant remains stored in soil and sediments, their source, their taxonomy, their ecology, biochemistry and the biogeochemistry of their associated sediments, to understand the causes and consequences of past environmental change, such as  
35 changes in climate and changes in human land use. My expertise falls within three areas: climate, paleo-climate, past climate, ecology, paleo-ecology, past ecology, and human environment interactions through time.

I have published more than 50 peer reviewed papers in all three of these  
40 themes independently and cutting across the themes in leading international journals. Relevant to the Royal Commission I have particular focus and a strong track record on understanding the impacts on vegetation and fire of the initial arrival of humans into Australia, how humans have impacted Australian landscapes through the massive shifts in climate that occurred since they arrived more than 65,000 years  
45 ago, and the impact of the British invasion on vegetation and fire and landscapes in Australia.

In Australia my specific study areas are located in Tasmania, Victoria, southern New South Wales, and the Top End. I also have an intimate knowledge of work in my fields of research from right across the Australian land mass and its islands and across the southern hemisphere and further afield.

5

MS AMBIKAPATHY: Thank you. Dr Neale, if I could now go to you. You co-authored, also co-authored a submission to the Commission dated 10 June 2020; is that correct?

10 DR NEALE: Yes, that's correct.

MS AMBIKAPATHY: Commissioners, this is tender document 9.2.7 and, again, it's in volume 10. Dr Neale, if you could please provide an overview of your background for the Commission?

15

DR NEALE: *Kia ora koutou*. I'm Dr Timothy Neale. I'm a *Pākehā* or non-indigenous social science researcher originally from Aotearoa in New Zealand. I currently hold the position of DECRA Senior Research Fellow at the Alfred Deakin Institute for Citizenship and Globalisation at Deakin University in Naarm or Melbourne. I have a Bachelor of Arts with first class honours, and a Master's of Arts from the University of Auckland and also PHD in cultural studies and anthropology from the University of Melbourne completed in 2014.

20

My current research projects use anthropological and geographical methods to examine bushfire risk management in general, mostly in Australia, and specifically the experiences and perspectives of both indigenous and non-indigenous peoples engaged in collaborative bushfire management initiatives in southern Australia. This research is supported by the Bushfire and Natural Hazards Cooperative Research Centre and the Australian Research Council.

25

30

MS AMBIKAPATHY: Thank you. And, Mr Williamson, you co-authored a submission provided to the Commission dated 28 April 2020?

MR ECKFORD-WILLIAMSON: Yes, that's correct.

35

MS AMBIKAPATHY: If we can increase the volume, please? Sorry, Mr Williamson, if you're able to speak up a little bit, we're having a little bit of difficulty hearing you, thank you.

40 MR ECKFORD-WILLIAMSON: Yes, that is correct, I apologise.

MS AMBIKAPATHY: Thank you. Commissioners, this is tender document 9.2.8 and again in tender bundle volume 10.

45 COMMISSIONER BINSKIN: 10, we've got that. Thank you.

MS AMBIKAPATHY: And Mr Williamson, if you can provide an overview of your background for the Commissioners.

MR ECKFORD-WILLIAMSON: Yes. Yaama. My name is Bhiamie Williamson.  
5 I am a Euahlayi man from north-west New South Wales, through my father. My mother comes from Cloncurry in north-west Queensland and her mother comes from Normanton in the Gulf of Carpentaria. My formal western education includes a Bachelor's degree with honours from the Australian National University where I majored in environmental studies and political science. I have a Master's of Arts in  
10 indigenous governance from the University of Victoria in British Columbia, Canada, and a continuing education certificate also in indigenous governance from the Native Nations Institute at the University of Arizona in the United States.

I've worked with Aboriginal ranger groups in both the Northern Territory and in the ACT. I've also worked with the Yunesit' in First Nation in British Columbia on  
15 cultural land management programs. I'm an architect of the Cultural Biomangement Program in the ACT, and a member of the ACT Bushfire Council. I'm a PhD candidate and research associate at the Centre for Aboriginal Economic Policy Research at the Australian National University. And I have mostly been in research investigating firstly indigenous land management programs and in particular cultural  
20 burning in south-eastern Australia; and secondly, investigating unique impacts of bushfires and other disasters on indigenous peoples.

MS AMBIKAPATHY: Thank you. Now, Mr Williamson, I think I will start with you. Could you please now provide the Commissioner with a summary of the key  
25 points you would like to draw out from your submissions?

MR ECKFORD-WILLIAMSON: Sure. So there are three key points I would like to draw out. The first would be a definition, a clear definition, a clear understanding of cultural burning. The second key point would be highlighting the disproportionate  
30 effects of the summer fires on Aboriginal and Torres Strait Islander people; and the third point is highlighting the need to better understand the unique impacts and consequences of bushfires and other disasters on indigenous peoples.

MS AMBIKAPATHY: If I can take you to the first topic, which was understanding  
35 what cultural burning is. Could you please explain that to the Commissioners?

MR ECKFORD-WILLIAMSON: Yes. So thank you for that. So I guess clarifying the meaning of cultural burning, it's fair to say that the events of the last summer have created extraordinary public interest in Aboriginal people's land management  
40 practices, especially that of burning. However, there are a number of popularly held misconceptions that we must disabuse ourselves of if we are to understand this re-emerging practice. The first misconception is that of the practice itself. Whilst popularly known as cultural burning, or traditional burning, cool burning, indigenous burning, etcetera, practice is actually cultural land management. Burning is but one  
45 tool Aboriginal land managers may use to better manage their country.

While cultural burning is a tool, but cultural land management is the practice. We can think about this in quite a practical sense that in any given year there might be two months where the right climatic conditions allow groups to conduct burning. So that means there are 10 remaining months in of the year. The work carried out in the  
5 other 10 months is just as important as cultural burning; and, indeed, the success of cultural burning is dependent upon the success of these other cultural land management activities.

10 Another misconception is that cultural burning can be boiled down and simplified into a common and universal technique applied at a particular time of year and applied the same throughout Australia. Notwithstanding that there may be common elements and principles of cultural burning shared between Aboriginal groups, the key ingredient of cultural burning, the thing that makes it cultural burning is control by Aboriginal people. Cultural land management is not a supplementary approach. It  
15 is not an add-on or an enhancement. It is not a practice that can simply be grafted onto the regimes of non-indigenous land management agencies.

Simply put: if Aboriginal people are not in control of the planning, preparation, implementation and monitoring of landscape burning, then it is not cultural burning.  
20 The final misconception is that cultural burning attempts to return to some kind of pre-colonial state of managing the environment with fire. But, of course, Australia is a country transformed through the impacts of European colonisation, and the land management practices of Aboriginal groups pre-colonisation may not, in and of themselves, work now.

25 So I guess we, you know, so we've got a clear understanding of what it's not. But for what it is, perhaps the question of what is cultural burning, it would be better to transform that question from a descriptive analysis of what is burning to a more pragmatic understanding of what can cultural burning do. Cultural burning equips  
30 Aboriginal land managers with the ability to weed the knowledges of their distinct groups, groups from particular places and with ancient jurisdictions with the latest scientific information and technologies.

35 By weaving together ancient and modern knowledges and technologies, Aboriginal groups are fundamentally creating a new body of knowledge whilst also remaining firmly grounded in the indigenous principles of place and of balance. Cultural burning, through the purposeful introduction of fire into the landscape by Aboriginal people, has the potential to achieve positive ecological outcomes from the germination of native seeds that require fire, the clearing of nesting sites for native  
40 animals, the elimination of noxious weeds and, yes, of course reducing fuel loads. It is responsive to both the cultural customs of a vast number of Aboriginal groups throughout Australia as well as Australia's various and unique landscapes and climates.

45 It strengthens the connection between Aboriginal people and their country, and promotes the health and wellbeing of Aboriginal communities. Furthermore, it has a now well-demonstrated potential of bringing together indigenous and

non-indigenous land managers to co-learn in an environment of respect and collegiality. There are very few other practices, whether land management or otherwise, that have such universal benefits. These benefits are evidenced through the significant number of submissions and Notices to Give Information in relation to cultural burning the Commission now has. And supporting cultural burning requires supporting and empowering Aboriginal groups to build on their strengths and make strategic decisions with regard to how they choose to reinvigorate ancient land and water management practices.

10 MS AMBIKAPATHY: One of the other points that you identified that you would like to draw out from your submissions was in relation to the impacts that the 2019 and 2020 bushfires had on the indigenous communities in the areas that were impacted by the bushfires.

15 MR ECKFORD-WILLIAMSON: Yes.

MS AMBIKAPATHY: Would you like to speak to that now?

20 MR ECKFORD-WILLIAMSON: Yes, that's correct. So, in --

MS AMBIKAPATHY: And the work that you - sorry, Mr Williamson --

MR ECKFORD-WILLIAMSON: Sure.

25 MS AMBIKAPATHY: And in terms of the work that you've been undertaking and the research and the statistics that you put together?

30 MR ECKFORD-WILLIAMSON: Sure. So, thank you. The work - it's highlighted in our submission and I refer the Commissioners to our submission, that we highlight the disproportionate impacts that fires have had on indigenous peoples. That analysis was based on a working paper that we conducted with the same co-authors of the submission. At the time of writing that paper, the fire season actually had not finished yet so the results were incomplete, and we acknowledge that in our paper. But if it pleases the Commission, I can provide an update on the results that are directly relevant for the submission.

35 MS AMBIKAPATHY: Please.

40 MR ECKFORD-WILLIAMSON: So in our - thank you. In our research we focused particularly on New South Wales, Victoria, the ACT and the Jervis Bay territory as lands that were perhaps hardest hit by the Black Summer bushfires. The fires that impacted these jurisdictions directly affected 96,000 indigenous peoples. This represents 29 per cent of the combined indigenous population of these States and Territories or 12 per cent of the entire indigenous population of Australia. In New South Wales, Victoria the ACT and the Jervis Bay territory, indigenous peoples 45 comprise 2.3 per cent of the total population. Yet for the areas that were directly affected by the fires, the indigenous population doubles to 4.6 per cent meaning that

indigenous peoples in these four jurisdictions were twice as likely to be impacted as non-indigenous people.

5 Of importance also, 9 per cent or 35,000 children in fire-affected areas are indigenous, and among this group 12,000 are preschool aged or younger, that is zero to four years. It is clear that indigenous peoples have been disproportionately impacted by the Black Summer bushfires, and I believe it's very important to engage with those statistics.

10 MS AMBIKAPATHY: And in terms of engaging with those statistics, what do you mean by engaging with those statistics?

15 MR ECKFORD-WILLIAMSON: Firstly, acknowledging that the fires' impacts have disproportionately affected indigenous peoples and thus making, you know, recommendations or promoting strategies that directly engage and target Aboriginal groups, and that includes engaging with the unique impacts of the - of bushfires and other disasters on indigenous peoples.

20 MS AMBIKAPATHY: And can you explain a bit what you mean by the unique impact that it has on indigenous people?

25 MR ECKFORD-WILLIAMSON: Yes. Thank you. So as I said in the opening statement in defining cultural burning, the Aboriginal peoples are inherently and forever tied to particular lands and waters. Popularly known as Country. This includes attachment to landscape features such as mountains, rivers, coastlines and unique native plants and animals. This unique attachment to lands and waters is now a well-established legal convention and commonly understood through the lens of native title.

30 The impact of disasters such as the bushfires disrupts the attachment to lands and waters and deeply impacts the existence of Aboriginal peoples. Indeed, the destruction of landscape features, whether that be plant species, native animals or cultural heritage sites such as scar trees, rock art or stone arrangements, threatens Aboriginal groups as distinct cultural beings attached to the land. Whilst it may seem  
35 obvious that Aboriginal peoples may experience lots of associated trauma from disasters differently, the reality is that this is an area that has been ignored and overlooked by consecutive post-disaster Commissions and inquiries.

40 In our research, we examined previously or post bushfires commissions and inquiries and found what I can only describe as an extraordinary absence of Aboriginal peoples, either as contemporary communities with unique needs or existing First Nations with legally recognised rights and interests in lands and waters. Where Aboriginal people have been referenced, they are often relegated to an historical footnote in the natural history of a landscape or spoken about through the specific  
45 and restrictive lens of cultural heritage management. So Aboriginal peoples are uniquely impact - impacted and in our research we advocate understanding these

impacts - the unique impacts through the - concurrently through the lens of strengths, vulnerabilities and trauma.

5 MS AMBIKAPATHY: And I would like to now take you to some recommendations that you have in your submissions. Operator, that is document NND.001.00969.01, page 10. If you could just highlight the recommendations at the bottom. I think, Mr Williamson, you've spoken to recommendation number 1 to a certain extent in terms of previous inquiries. In terms of the reflective work, what is the nature of that reflective work that you're recommending?

10 MR ECKFORD-WILLIAMSON: Sure. We - it is fair to say that we really need to understand why it is that even as recent as sort of five, 10 years ago, in post-disaster commissions, Aboriginal people were ignored and not listened to, and specific recommendations were not made to engage with indigenous peopleS. And more  
15 generally, there is a distinct lack of scholarship in disaster recovery research that engages with indigenous peoples' voices and their experiences, as I said, with unique - as unique communities, with specific vulnerabilities and as First Nations attached to the land. This has also come up in previous evidence of the Commission and - and I would like to redraw the Commission's attention to evidence provided by  
20 Professor Lisa Gibbs. As the Commission I'm sure is well aware, Professor Gibbs is one of Australia's leading experts in post-disaster community recovery, and she suggests that and I quote:

25 *"Further work is needed to understand Aboriginal natural disaster recovery experience and learn from Aboriginal knowledge systems about trauma and healing."*

So it's not just indigenous peoples that are saying we need to listen and engage with indigenous people's voices; it is non-indigenous experts in this field as well.

30 MS AMBIKAPATHY: I want you to, in answering this question, if you could, please, draw on your experience in the ACT Bushfires Council and your involvement in that council, and to the extent to which participation of that nature will address some of the recommendations that you're making, in a sense that is it an example of  
35 some of the engagement that you are recommending in your recommendations?

MR ECKFORD-WILLIAMSON: Yes. Yes. So in the ACT there - so 70 per cent of the ACT, as I'm sure the Commissioners are aware, is national park, and that national park is full of cultural heritage values, some - many that are recorded but many that  
40 are actually unrecorded as well. And it's not just the recorded cultural heritage sites but the unrecorded ones. Indeed, the way that traditional owners engage with the land as an entire landscape, as an entire cultural landscape, that is of most importance.

45 And through my position in the ACT Bushfires Council this is something that is widely recognised and people are aware and cognisant of - I do believe the ACT does a fantastic job with partnering with traditional owners and there is evidence of that in

the protection of cultural heritage sites such as rock art sites that were undertaken during the Black Summer event, in particular the Orroral Valley bushfire.

5 MS AMBIKAPATHY: Mr Williamson, I might now actually move to Dr Fletcher, unless the Commissioners have any immediate questions arising?

COMMISSIONER BINSKIN: No, I think that's been good. Let's continue through.

10 MS AMBIKAPATHY: Dr Fletcher, if I could ask you now to provide the Commissioners with a summary of the key points you would like to draw your submission?

15 MR SHAWN-FLETCHER: Yes. Sure. So my submission was made on behalf of I think nearly 20 academics from a broad range of disciplines, so I will speak specifically to my points and --

MS AMBIKAPATHY: Thank you.

20 MR SHAWN-FLETCHER: -- I can elaborate if the Commissioners wish on other points. So Bhiemie has really eloquently detailed what cultural burning is and what it is not. So my research, given me a clear picture of what the Australian landscape is like under indigenous management prior to the British invasion, under the management by indigenous people using, among many tools, cultural burning. So, ie, the landscape that Australia inherited, that modern Australia inherited, is  
25 biodiversity, fire regimes and landscape.

The first point I would like to make is in the geological record, the record that I work in, the space that I work in, with the evidence we have to hand to date, there is no analogue, there is no comparable fire that we have discovered on earth, that stretches  
30 from Queensland to Victoria present in the geological record. So that's with the evidence at hand, and there's a lot of data that that's set up. So in that sense these fires are unprecedented in the geological record, and personal work that I've done from Tasmania shows that in the past 100 years, fire in the landscape, and there has been in the last 12,000 years. So that's the first point I would like to make.

35 MS AMBIKAPATHY: Dr Fletcher --

MR SHAWN-FLETCHER: The scientific work along with - yes.

40 MS AMBIKAPATHY: -- sorry, just your sound came in and out when you were making that first point. If you could please repeat that for the Commissioners. No, you got it?

45 COMMISSIONER BINSKIN: I might just ask that you don't move backwards and forwards near the microphone. I think that's causing - just keep a constant position near the microphone. But we got the first point.

MS AMBIKAPATHY: Okay.

COMMISSIONER BINSKIN: Yes, it came through.

5 MR SHAWN-FLETCHER: Okay. I will be less animated. But my --

COMMISSIONER BINSKIN: You're not animated, please, you're passionate. There's a difference. So thank you, we appreciate that.

10 MR SHAWN-FLETCHER: No worries. So my scientific work, along with my  
interrogation of written accounts of British and European invaders and settlers, so  
that's the ethnographic record I will refer to, has revealed that many parts of the  
Australian landscape, including the south-east Australian forested regions, but  
15 importantly not all, that's an important distinction, but barked areas and large parts of  
the estate were radically different under management with indigenous cultural  
burning.

So in the forested parts of south-east Australia this change is almost universally,  
okay, the change following the British invasion is almost universally for a more  
20 forested or woody landscape, below what we call the altitudinal timber line. That's  
below the point where temperature starts to suppress regrowth and things like that,  
below there where forests can grow, what we see following the British invasion and  
the removal of indigenous cultural burning is almost universal shift to open  
landscapes or woody landscapes.

25 And indeed, work that was commenced shortly before the 2019-2020 fires by a  
former PhD student of mine and a collaboration of a bunch of us, and completed  
recently and about to be submitted to the Journal of Science - that's a leading journal  
in our field - emphasised 160 such records that I worked with, and those  
30 demonstrably show that across the forested estate today there has been a universal  
shift from an open to a woody or forested landscape following the British invasion.  
And this is a really quantum leap forward in our understanding of the impact of the  
British invasion and the removal of cultural burning from the landscape.

35 Another thing that came along with that is a concomitant increase in charcoal  
production from woody plants, ie forest fires, along with a shift from open forested  
or woody vegetation. Beforehand charcoal production was dominated by fine fuels,  
that's fuels from grasses. And not only does this corroborate the ethnographic record  
which has received a lot of airing of late with people like Bill Gammage and Bruce  
40 Pascoe in which Australian landscapes are almost universally described as open and  
managed by indigenous people with fire, but it extends, this understanding, into  
knowledge black spots in the landscape not covered by this ethnographic evidence.

So where we've actually invested the funds and developed the modern techniques,  
45 science is always evolving and we are developing new ways to absolutely and  
accurately date the timing of change in these records, we can relatively date them to  
pre, post-British invasion by using things like the arrival of exotic taxa, a lot of

exotic plants from Europe and things like that. So we can actually accurately and absolutely date the years in which these changes have occurred. These changes in the sites we've done this for, occur following after the series of massacres of indigenous people across south-east Australia between - around 1790 to 1850; ie, the massive  
5 disruption to indigenous land management. And, critically, these changes in vegetation towards more weed vegetation and increase in forest fires, commenced before the effects of anthropogenic climate change in the early 1900s. That happened between the late 1800s --

10 MS AMBIKAPATHY: Dr Fletcher --

MR SHAWN-FLETCHER: Yes.

MS AMBIKAPATHY: -- if I can just ask you a question. So in terms of  
15 understanding the change in what was burning, is that as a result of the geological record, showing that it is - and I think you mentioned this before - it was woody charcoal that's associated with woody material versus charcoal associated with fine fuels. And fine fuels would be associated with more open landscapes burning, whereas woody fuel sources would be associated with more wooded, more densely  
20 forested areas. Is that --

MR SHAWN-FLETCHER: Yes. Generally, well, we can now. In the last few years we've developed a way, and we're seeking funds to do this, where we can actually gauge the temperature of fires. To get wood to burn you need a hotter fire than you  
25 do a grass to burn. So it tells us a little bit about what's burning and the type of burning that's going on.

MS AMBIKAPATHY: Okay. Thank you. I'm sorry, I interrupted you.

MR SHAWN-FLETCHER: No, no, that's fine. So this - these changes in the sites that we've accurately dated that commenced before the effects of climate change. I can't stress this enough. There is no doubt, absolutely no doubt, that anthropogenic climate change exacerbates a fire potential and that this is a significant contributor to recent bushfires. Fires don't start without fuel. And simple fire science, you've had  
35 some really excellent fire scientists on here who will tell you that fires require fuel, ignition and the fuels to be dry enough. So we are currently, under the landscape now, there is more fuels, there is demonstrably more fuels in the modern forested region in large parts of it, as I said, not every single part of it, there are some forests that are tuned in to catastrophic wildfires such as mountain ash and things like that.  
40 But large parts of the modern forests estates are carrying much higher fuel loads today than they were under indigenous cultural burning.

So this reveals the landscape, the potential fuel loads that this landscape can carry if you return Aboriginal cultural management, indigenous land management to the  
45 landscape. So a couple of other points. Moreover, we're in the midst of an extinction crisis. We have the fastest rate of animal extinctions on earth that began - we have papers that speak to this in very esteemed journals - that began following British

invasion. Biodiversity we are losing is the product, the direct product of indigenous land management. And even in areas where we argue that a non-Indigenous fire regime was dominant, ie natural, for want of a better word, dominated prior to British invasion, the lower landscape fuels across the landscape directly impact how often those kinds of areas burn.

And we've seen with the alpine ash forests that require catastrophic fires, they're receiving catastrophic fires at a faster rate than they have in the past, in part because there's more fuel across the whole landscape and fires can generally move into them more often than if there was lower fuels across the landscape outside those areas. And then, finally, I would like to reiterate that cultural burning is not solely about fuel load reduction. There is some aspects of cultural burning in which assets are protected. So ..... and ecosystems and things like that where there is that raft of other things.

It's the product of expression of indigenous culture and knowledge. And it's a well-proven fact that the process of being able to freely express your culture, and importantly being respected for your culture, has a quantifiable, positive impacts on health, wellbeing and livelihood. Indigenous people are among the most disadvantaged and disaffected in Australia. Part of this is because of the suppression and oppression of our culture throughout history. Cultural burning represents a key way then in which we can mitigate against catastrophic bushfire and help address the inequity indigenous people face in our country, and meeting the aims of both resilient landscapes and resilient communities. And pursuant to my Royal Commission submission - a mouthful - the most effective way we felt as a consortia of academics of achieving this was by significantly extending and bolstering the national Working on Country program which underpins indigenous led and indigenous run ranger programs in Australia.

MS AMBIKAPATHY: Thank you, Dr Fletcher. I don't have any additional questions for you at the moment, so I'm going to move to Ms Cavanagh. Ms Cavanagh, you're muted. Perfect.

MS CAVANAGH: Yes. Is that better?

MS AMBIKAPATHY: Thank you. Ms Cavanagh, could you please explain why is local Aboriginal knowledge and connection to Country important?

MS CAVANAGH: Local knowledge and connection to Country is important for a multitude of reasons. You know, Aboriginal people have been, as the two speakers before me have identified, have been on Country maintaining those same connections to the same space for millennia. And, you know, Aboriginal people want to have that cultural authority and ability to maintain those cultural connections and continue that through secure employment. So some of the women that I've talked to when I was preparing for this submission talked about, you know, they see other non-Indigenous workers come and go in, say, for instance, as a national park management; whereas the Aboriginal people who come from that place want to stay

there and want to see that country managed well because they've got connections to that place that lasts throughout millennia of generations. It's not just a place that they like to go visit, that is their home.

5 MS AMBIKAPATHY: And so Ms Cavanagh, you mentioned you have spoken to other indigenous women. Could you please explain the consultation that you did before coming to give evidence before the Royal Commission today?

10 MS CAVANAGH: Absolutely. Would you like me to read my opening statement?

MS AMBIKAPATHY: Yes, please.

15 MS CAVANAGH: Sure. So, in preparation for today, I spoke to many Aboriginal women from across the country. When I got the invitation to join this hearing my first reaction was to share this opportunity with others. So I put a call out to other women so that their voices could be heard here today. This sharing is something I've been taught through my cultural upbringing. If I'm the only Aboriginal woman speaking today I need to be conscious of not just speaking for myself but speaking in a way that's a collective and inclusive process.

20 So I notified my networks, my family and friends, and invited other indigenous women to contact me and to put forward their priorities and concerns and, as a result, I had many Aboriginal women contact me and tell me their stories. Those women wanted to have their voices heard today and through my contribution you will hear not only my perspectives but their perspectives as well, as well as the thing I know through my PhD research. Shall I go on and read through the whole statement?

25 MS AMBIKAPATHY: Maybe if I could ask you questions and if you could respond to the questions?

30 MS CAVANAGH: Sure.

35 MS AMBIKAPATHY: I understand that this is the subject of your research. What are the successful models of women's engagement in cultural burning?

40 MS CAVANAGH: Absolutely. Absolutely. So I've been looking over the past two years, specifically focused on empowering and discussing with Aboriginal women on why their involvement in cultural burning is important, and I've heard from many women from across New South Wales, that it's important for them because there's places in the landscape that Aboriginal people, Aboriginal women, have got special association to. Aboriginal sites exist out on the landscape. Women have association with specific women's sites. They need to be able to protect those areas. They need to be able to maintain Aboriginal women's law, practice and authority.

45 So there's physical places on the landscape that need Aboriginal women to be active in caring for them. But it's not only just about the places on the landscape. It's also about sharing the opportunity to teach our children. So you can see behind me there's

a photo of my two kids doing a cultural burn. Involving Aboriginal children in cultural burning and cultural land management is crucially important for their ongoing development and their futures. We need to be able to teach our children about who they are, where they come from and their connections to place. They need  
5 to know that they have the authority and the power to be able to look after their places, and they need to do that with their - with their mothers and with their fathers, with their community, with their elders, all of these people coming together. And this is something we've seen in cultural burns where whole of communities is coming  
10 together, walking slowly and gently with the fire and caring and tending for Country.

MS AMBIKAPATHY: And are there examples of jurisdictions, areas within New South Wales that you've worked in, where there has been engagement of women in cultural burning practices?

15 MS CAVANAGH: Absolutely. When I first started my research, you know, overall, caring for Country across Australia is very male dominated, and so there are some places where Aboriginal women aren't engaging in cultural burning or in cultural land management because it is a very male dominated field. So there needs to be  
20 specific resources and strategies set up to support Aboriginal women and to make sure Aboriginal women have the agency to be involved in these processes.

MS AMBIKAPATHY: Ms Cavanagh --

MS CAVANAGH: And so --  
25

MS AMBIKAPATHY: If I could ask, is that something that happened in contemporary times, in a sense that women have traditionally had a role in cultural burning but that is something that is being reinvigorated now?

30 MS CAVANAGH: Sure. So look, prior to colonisation, as the two speakers before me identified, you know, Australia is a big country; many hundreds of distinct Indigenous groups across the nations, so all with those cultural differences. But prior to colonisation, Indigenous women were just as engaged and active on the landscape as what men are. Women have values and interests and responsibilities to maintain  
35 on Country and that's why we need to be involved in cultural land management at every level.

In some places Aboriginal women were the knowledge-keepers and, or are the knowledge-keepers and hold that knowledge around fire. So in some places cultural  
40 burning is women's business, and - and so we need to maintain those cultural processes and protocols wherever we're doing these activities.

MS AMBIKAPATHY: And in what ways can Aboriginal women maintain resilience through caring for Country?  
45

MS CAVANAGH: Sure. So there's lots of things that Aboriginal women need. I spoke just briefly about the need to support and adequately resource for, and have

specific strategies that target Aboriginal women, because if Aboriginal women aren't being targeted they will be left out and left behind. And Aboriginal women --

MS AMBIKAPATHY: I apologise, if I can just interrupt and ask you a question.

5 When you started working for New South Wales Parks, I understand that that was a program that was targeted specifically to women?

MS CAVANAGH: Yes, absolutely. So --

10 MS AMBIKAPATHY: If you use that as an example to explain how that has helped in terms of engaging the women in these processes?

MS CAVANAGH: Absolutely. So, yes, in New South Wales, they have - State  
15 government have got statutory obligations in relation to the amount of Indigenous employment or Aboriginal employment. So when I first got my job in New South Wales National Parks, the job that I went for, the field officer job, was an identified role for an Aboriginal person, but it was also a targeted role for women. So it was Aboriginal - Aboriginal female field officer job. And if it wasn't targeted towards  
20 Aboriginal women I wouldn't have went for it because I would have been up against all these other men and, you know, I just would have felt like, well, that's not a job for me. But because it was an identified Aboriginal women's role and it was, you know, it was encouraging me to come and have a go at this job, you know, I was 20 years old.

25 I won that position, a secure job within national parks. As I said, I got trained up into all different levels of, you know, firefighting but all the other associated practical operations of caring for Country and park operations. And then I went on and worked through different divisions in the agency, and then I've gone on into academia where I'm now a lecturer at the University of Wollongong and able to share my  
30 experiences. So that one act of having a specific identified job has set me up for a career of success, and I've been able to bring other women along with me in - in that - you know, in the work that I do now currently. So it's, you know, it's that ripple effect of making that special inclusion at one point and it has a positive outcome for a lot of other women.

35 MS AMBIKAPATHY: I'm sorry, Ms Cavanagh, I actually interrupted your train of thought by asking you that question, but please continue with your train of thought in relation to Aboriginal women maintaining resilience through caring for Country.

40 MS CAVANAGH: Sure. So I think, we kind of spoke to it, but I've got on my list the things that we really need is access to Country, support to bring our children along to these cultural burning activities and other land management activities because it's really important for the children. You know, us as mothers are their first teachers and we need to be teaching them as we go along. Secure jobs, access to Country. A say in  
45 decision-making and a system that supports us as Aboriginal women and doesn't expect us to mould into a western framework or methodology, but something that

understands and accepts Indigenous knowledge systems and ways of doing. So, yes, they're some of the things that are going to support us as Aboriginal women.

5 MS AMBIKAPATHY: And then how does that feed into community resilience?

MS CAVANAGH: Sorry, you just broke up?

10 MS AMBIKAPATHY: I apologise. How does that feed into community resilience and resilience for land and Country?

15 MS CAVANAGH: Yes, so look, I think it's that whole thing of local people being able to care for their local country and having that continuation of culture, and feeling strength and pride in ourselves. You know, cultural burning is not just about an environmental or biophysical exercise. You know, cultural burning and other land management is, you know, it's science, it's education, it's health and wellbeing, it's technology as well as that cultural strength. So all of those things. You know, it's in place learning about our history, who we are as a people, where we're going to in the future. And all of those things are building up the strength and identities of Aboriginal people now and the Aboriginal generations that are to come.

20 So if you've got Aboriginal women in those roles and in those places, you know, they're bringing through the next generation strong in terms of that. So, you know, and Indigenous knowledges are already embedded into the Australian school curriculum. And so we see that cultural land management is a way that that commitment can be enacted and actualised. So, you know, it's not just - it's very important for Aboriginal people and - and coming Aboriginal generations, but it's also something that can be shared with the wider community, so that people are learning about how to live in this country sustainably, or live on this planet sustainably, really.

30 MS AMBIKAPATHY: Thank you. And, Dr Neale, I might now move to you, unless the Commissioners have any specific questions now.

35 COMMISSIONER BINSKIN: No. That was excellent. Thanks.

MS AMBIKAPATHY: Dr Neale, if you could please just provide the key points that you would like to draw from your submission?

40 DR NEALE: Certainly. Thank you for inviting me. And it's worth pointing out at the beginning that the submission that I will be speaking to is the one that I led with several colleagues but I was also co-author on the the submission led by Dr Fletcher. So, for the past several years, I and several colleagues have been engaged in research, documenting and analysing the challenges and opportunities for greater engagement. Between fire management agencies and Indigenous peoples in southern  
45 Australia and as research poses a huge step, and gratitude to the traditional owners that informed it.

In short, this research focuses on the intercultural interface between Indigenous people seeking to engage in cultural burning and the non-Indigenous government agencies and landholders who typically actually control access to Country. So legally, Indigenous peoples have a human right to observe and take part in cultural practice including cultural burning, as well as specific protections under native title and land rights laws but they often do not actually possess the resources, certifications and land required to realise these rights. So I wanted to just briefly touch on, kind of, three key points about this interface which are not in my submission. But before I do so, I just want to stress that, as my co-panelists have also stressed, there are multiple ecological, social and economic benefits for cultural land management, and fuel load reduction is only one.

And also that some Indigenous groups, we should realise, may not wish to engage with government agencies, and so it should not be presumed that the kind of collaborations that I'm talking about are the only pathways for scaling up cultural burning at every level. It's one pathway and arguably the primary pathway today. So if we want to support that pathway and thereby enhance the resilience of both Indigenous and non-Indigenous communities in natural disasters, there's a need to understand what happens when these parties meet.

So to make these three key points about this interface. First, southern Australia has many differences to the continents north and centre where cultural burning has been applied independently over large areas today. These include social and legal differences, particularly in terms of tenure and environmental regulation. These differences mean Indigenous peoples in southern Australia must typically work closely with non-Indigenous actors and institutions to actually apply cultural burning, often engaging in training, in planning and operational processes not of their design or choosing.

This is something ..... Second, for a variety of reasons, many land and fire agencies currently lack policies around cultural burning or partnership with Aboriginal groups. While there are national statements affirming support for cultural land management in a general sense, there exists a policy gap across most States and Territories today and beyond that implementation and funding gaps where there are policies or management plans. As a result, where agencies do currently collaborate in cultural burning, they typically do so without ongoing budgets or appropriate performance indicators, as I stress in my submission; and where they do occur it's typically where land rights laws oblige those agencies to actually work with specific groups where there are personal relationships between agency staff and traditional owners and/or where non-Indigenous agency staff feel a kind of moral obligation to go above and beyond their prescribed role.

Third, as such, given all this, there is presently a reliance on interpersonal relationships to build cultural burning collaborations, often at a local level and limited, albeit growing institutional support. So it's important to understand that even where there are successful collaborations, where those exist, their associated benefits often remain subject to persistent institutional obstacles and structural inequalities.

So given all this, as my submission highlights and I would be happy to go into more depth, there are a variety of ways partnerships at this interface can support the devolution of power and control to Indigenous peoples and support the expansion of cultural land and fire practice and its associated benefits.

5

These include transparent and appropriate reporting, funding for Indigenous led research, national coordination and the adoption of what I'm calling partnership approaches including funding for Indigenous led cultural burning initiatives and enterprises.

10

MS AMBIKAPATHY: You just identified national coordination. Are you able to elaborate on what you mean by "national coordination" and how national coordination may facilitate the partnerships and the engagement that you've just described?

15

DR NEALE: Certainly. So, at present, as the Commission will be well aware, there are a number of national coordinating bodies in Australia in relation to land and fire management. Probably one of the most well known is AFAC, which I won't - I'll say the acronym because I often forget what the full title is but I'm sure you've encountered --

20

MS AMBIKAPATHY: We know what it is.

25

DR NEALE: Yes, good. Bodies like AFAC that coordinate policy makers and practitioners across Australia in order for them to co-learn, network and formulate policy together, there is no equivalent at this point in relationship to land and fire management and cultural burning. So what exists are grassroots initiatives, and I believe you're talking to Firesticks Alliance later today which is an immensely successful and important grassroots initiative, but such initiatives, I think, need to be paralleled with bodies that coordinate land and fire management agencies across Australia so that they can, between them, have some sense of what one another is doing to put into action this - this pledge to support cultural land management.

30

35

So, currently, there are a number of national statements, as I signalled, that land and fire agencies say they support cultural fire, they support cultural burning, but there is a gap where we - it's very difficult to say what they're practically doing, what activities, how much money they are putting into it, those kinds of things. So a national coordinating system of policymakers and practitioners would, I think, go some way to supporting growth there.

40

MS AMBIKAPATHY: You have identified one particular concept which is a national framework allowing local experiences to connect with a national platform of resources, and part of what you identified was the role of accountability, nationally reporting and national standards. Are you able to just elaborate a little bit on that? And use some examples where that may have worked in the past with a particular program or may not have worked in the past with a particular program?

45

DR NEALE: Certainly. So the - as I've discovered over the past few years, a lot of land and fire management agencies do not collect data in relationship to their engagements with Aboriginal peoples. This includes the agencies do not collect data on their - the number of Indigenous people that they employ, how much they spend  
5 in contracting to Indigenous organisations to provide ecological services, any number of things. So what I would propose, and we're seeing this, I guess, in other domains, but particularly, I guess, you would say that health services is a good example of where national coordination provides data for then people to be able to have some sense of how is the sector performing.

10 So in relationship to - we were thinking about cultural land management, this might include something like the number of employees who are Indigenous are identifying, the number of Indigenous-specified positions that have been advertised, the number of Indigenous people who have gone through general firefighter training, the number  
15 of, yes, the amount that's being contracted to Indigenous people and Indigenous traditional owner groups, the amount that's being put into cultural heritage assessments. All of these kinds of things that would give overall some sense of how the sector is actually performing in relationship to its responsibilities.

20 MS AMBIKAPATHY: Thank you. Ms Cavanagh, in terms of the recommendations that Dr Neale has just talked about, do you have any - I saw you nodding.

MS CAVANAGH: Yes.

25 MS AMBIKAPATHY: Do you have anything further that you would like to add?

MS CAVANAGH: Yes. I was just, while I was listening to Dr Neale, you know, that was reaffirming some of that the things that the women that I had spoken to, they were saying when they were telling me their stories. You know, they were talking  
30 about, you know, using different words they're saying, you know, that when they're involved in cultural burning, they're able to be involved, you know, managing their resources out in the landscape. So they're able to manage, you know, when certain places get burnt so that they have access to the weaving fibres that they need for their weaving activities or for their bush medicines or, you know, their cultural resources  
35 are there. So that's why the women want to be involved in that cultural burning planning and - but the different levels of the cultural burning so they're able to have access to speaking to that.

40 MS AMBIKAPATHY: Dr Neale, I will come back to you but I might just go to Mr Williamson first and see if he has any feedback or comments on the recommendations and the frameworks that Dr Neale was proposing?

45 MR ECKFORD-WILLIAMSON: Yes, thank you. I fully support what Dr Neale has said in his recommendation, especially with a national coordinating body. But I would just highlight that the real need, where we've seen positive and successful Aboriginal ranger groups and Aboriginal cultural land programs is where they have been ones supported generally by government officials and that could be a State,

Territory or Commonwealth Government. Dr Neale referenced the national Working on Country program and those kinds of things. Those bodies within government have been so pivotal to supporting Aboriginal groups develop their own governance capacities, they develop their own administrative capacity to undertake cultural land management activities.

However, that support by those strategic groups within government, that should not detract from the direct funding that needs to go straight to Aboriginal communities, straight to Aboriginal groups that funds them directly to develop these programs in ways that are culturally appropriate, that are based in the local - the knowledge of the local landscape and of the local people that are responsible - that are responsive to the cultural considerations and legal considerations of different Aboriginal groups, that support the gendered, inclusion of different, of both men and women in particular. So all of this stuff can be supported by, one, having these groups placed within government, whose job, whose distinct job it is to support Aboriginal groups and then providing direct funding to Aboriginal groups on the ground to do work their own way.

MS AMBIKAPATHY: And, Dr Fletcher, I saw you nodding as well when Mr Williamson was providing his evidence. Is there anything else that you would like to add to anything that the panel members have said?

MR SHAWN-FLETCHER: No, I mean, they're the experts and I vehemently agree that when all those things are put in practice it's a much more powerful outcome. Nodding in agreement.

MS AMBIKAPATHY: Dr Neale, sorry, we now have time, we can come back to you. You had your hand up before when Ms Cavanagh was speaking.

DR NEALE: Yes. I want to vigorously agree with Ms Cavanagh and Mr Williamson. I think it's crucial to understand two particular points that were just made. One is in relationship to the kind of things I was talking about, about this interface between agencies and Indigenous groups, there's only one component. And if we are to make progress and if we are to change the way things have been, then Indigenous people need have greater financial independence when they engage at an interface, and the kind of things that the panel has been talking about are crucial to that. So that Indigenous people are not having to rely on being provided the resources and access to land from agencies that control those resources.

The second thing is - that Ms Cavanagh pointed to is cultural fire. We need to keep insisting on this, cultural fire, cultural land management is not just about burning, and so any performance indicators should not just be simply about the number of burns that have been planned and the number of burns that have been executed. That's one potential performance measure, but it may not be appropriate in some places where people are not, not at this point: that's not a marker of success. A marker of success might be instead having a greater understanding of what the fire story of a place is, which may take time.

We need to understand that burning is not always a sign of success. It may be, and people need to negotiate that. Relevant to that, one further possible marker of success might, for example, be the revision of regulations around who is allowed to attend a burn. So those would be - that might be another marker of success that we - that fire and land agencies have reviewed their protocols and, you know, make it - and, therefore, making it more equitable, more - gaining more access for Aboriginal people to cultural burn.

10 MS AMBIKAPATHY: Mr Williamson, you had your hand up earlier when Dr Neale was speaking.

15 MR ECKFORD-WILLIAMSON: Yes. Thank you. Just one additional point - well, two additional points, very quickly to further build on this, because obviously there is, you know, a great deal of consensus between the four of us speakers, but I feel it is worth also including that some of the key challenges for Aboriginal land management groups around Australia is short-term funding. It is not possible for groups to develop, to recruit, train and retain staff to maintain that corporate memory, to build relationships with non-Indigenous land management agencies over  
20 time if their funding is not secure.

We cannot continue to fund ranger groups or other land management, Indigenous land management groups on this one or two or three year cycle. They need to be permanently committed funding. Only through that permanent funding, that security  
25 can Indigenous land management groups establish the relationships that have already been demonstrated in this Royal Commission as being so key in these times of crisis. So they need that permanent funding, kind of, as a standard for them to build the relationships around.

30 And the second matter that I think is really important, a significant challenge that needs to be addressed is the education of non-Indigenous land managers and non-Indigenous land management agencies. We cannot just focus on Aboriginal people, on Aboriginal land management groups but we can support them. We can give them all the resources in the world but the fact is, especially at the local and  
35 regional level where there are non-Indigenous land managers who refuse to engage, who do not want to listen to Aboriginal groups and do not want to engage with Aboriginal groups, they will not be as successful as they can be. There needs to be a comprehensive program of education for non-Indigenous land managers, and that needs to be a priority as well as increasing and making permanent the resourcing for  
40 Aboriginal land management groups.

MS AMBIKAPATHY: Commissioners, I don't have any further questions.

45 COMMISSIONER BINSKIN: No, noting that we've got another two sessions this afternoon. This is a great basis for us to be able to move into those sessions, so I would just like to thank the four witnesses today. I appreciate you taking the time for your various perspectives, and I know a lot of research and a lot of effort has gone

into that. And, Ms Cavanagh, a lot of phone calls around to your network and I appreciate the mentorship that you're obviously showing that network as well. So, from the Commission, thank you for spending the time with us.

5 MS CAVANAGH: Thank you.

MS AMBIKAPATHY: May the witnesses be excused from their summons?

10 COMMISSIONER BINSKIN: The witnesses may be excused. Thank you very much.

MS HOGAN-DORAN SC: Chair, if I may just deal with one matter before the adjournment and tender the response of the Northern Territory Department of Environment and Natural Resources, NTGHB2402 dated 18 June 2020. That is  
15 ENN.501.001.0001. That is the scenario response from the Northern Territory government I mentioned earlier.

COMMISSIONER BINSKIN: Okay. We will take that exhibit as marked as well.  
Thank you.

20 MS HOGAN-DORAN SC: That will be 9.3.10.

<EXHIBIT 9.3.10 RESPONSE OF THE NORTHERN TERRITORY  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES,  
25 NTGHB2402, DATED 18 JUNE 2020, ENN.501.001.0001.

COMMISSIONER BINSKIN: Thank you.

30 MS HOGAN-DORAN SC: That's all I have.

COMMISSIONER BINSKIN: We will adjourn, a shorter adjournment today but we will adjourn until 1345 Canberra time.

35 MS HOGAN-DORAN SC: Thank you, Chair.

COMMISSIONER BINSKIN: Thank you.

<ADJOURNED 1.03 PM

40 <RESUMING 1.47 PM

COMMISSIONER BINSKIN: Mr Tokley.

45 MR TOKLEY QC: Good afternoon, Commissioners. Good afternoon, Chair.

COMMISSIONER BINSKIN: Let's proceed.

MR TOKLEY QC: Chair, Commissioners, this afternoon we start with a panel looking at Indigenous land and fire management practices from State and Territory perspectives. We will have four persons on this afternoon's panel. We have Ms Naomi Stephens who has given evidence yesterday, Mr Leigh Harris who has also given evidence yesterday, but we have two new persons, Mr Scott Falconer and Mr Glenn Durie, and they need to take the oath or affirmation. So I will call Scott Falconer first of all.

COMMISSIONER BINSKIN: Okay. Welcome to the panel. Thank you.

MR TOKLEY QC: Mr Falconer, good afternoon.

MR FALCONER: Good afternoon.

MR TOKLEY QC: You're the Deputy Chief Fire Officer, Victorian Department of Environment, Land, Water and Planning?

MR FALCONER: That's correct, that's correct.

MR TOKLEY QC: And, Mr Falconer, would you take the oath or the affirmation?

MR FALCONER: The affirmation, please.

**<SCOTT FALCONER, AFFIRMED>**

MR TOKLEY QC: Thank you. And next I call Mr Glenn Durie who's the parks and wildlife commissioner of the Northern Territory, and Mr Durie, will you take the oath or affirmation?

MR DURIE: Affirmation, please.

**<GLENN DURIE, AFFIRMED>**

**<EXAMINATION BY MR TOKLEY QC>**

MR TOKLEY QC: Panelists, this afternoon I will be asking each of you three questions. I will be starting with New South Wales first of all, and then moving to the Northern Territory, then Victoria, and Queensland. I anticipate that your evidence may be around about 10 to 15 minutes each before I move on to the next person. So if I could please start with New South Wales and Naomi Stephens. Naomi, could you please outline the ways in which the State of New South Wales incorporates, supports or recognises Aboriginal fire management practices?

MS STEPHENS: Certainly. So in New South Wales, particularly in National Parks and Wildlife Service, we tend to use the term "Aboriginal cultural fire management", and it's a holistic term that refers to all aspects of working with Aboriginal people in fire management on national parks from that sort of partnering in discussions

around - around talking about management of parks. And obviously fire management is just one aspect of land management practices that Aboriginal people are interested in. Talking to parks about, right through to planning, management for fire on reserves and planning burns and then undertaking cultural burns on parks.

5

We - our focus is - is working with Aboriginal people in their role as custodians of their land; in the case, our parks. We focus on their express desire to care for their country, to protect and enhance natural and cultural values, to have the opportunity to express and maintain their culture, and to share knowledge and practices. We have a number of ways that we - we have a framework which we implement to be able to provide those opportunities to facilitate those opportunities for Aboriginal people, and it's at all levels of the planning that we undertake for parks.

10

When we undertake plans of management we will talk to Aboriginal people, Aboriginal communities, local Aboriginal land councils, and native title groups around - around their aspirations for the park, the values that they see in the park and that they would like to see protected under planning management. We have a Living with Fire Strategy, a 10-year strategy, for managing fire in national parks. And one of the objectives of the strategy clearly articulates that we will - we will identify the natural and cultural values of the park, and that we will work with Aboriginal people to ensure appropriate fire management in the park to protect those values. We prepare reserve fire management strategies and, once again, there's a really clear undertaking by organisation, that consulting with Aboriginal people around the values ensuring they're protected under our reserve fire management strategies is a strong commitment that we make.

15

20

25

We have an Aboriginal cultural fire management policy. We developed that in 2016. And it really is an expression of a commitment that we've made to work with Aboriginal people to achieve those things. And under that - that policy, we have guidelines that we've prepared and they're guidelines for undertaking low-risk cultural burns with community on parks, and since we've developed those guidelines, we've implemented a number of those guidelines. We've also undertaken a review of the guidelines and taken into account the views of Aboriginal people who have undertaken burns under the guidelines in order to ensure that it does what we hope it will do, which is create a framework and procedures that will enable cultural burning to occur.

30

35

We also have an agency position statement on Aboriginal cultural burning, and that was an attempt by our organisation to clearly articulate what it is we wanted to achieve in working and partnering with Aboriginal people in fire management on our reserves, but also through the other work that we do, and I will talk about that in a moment. We have a joint management program and nine per cent of New South Wales is under the management of national parks, and currently just more than 30 per cent of the reserve system is under a joint management program; and a really key part of the joint management program is conversation with communities and with the boards of management and with the Indigenous and with the native title holders around their aspirations for cultural burning on parks.

40

45

5 We also have a strong Aboriginal employment program and more than 10 per cent of the people who work in parks are Aboriginal, and obviously those people are involved both in our hazard reduction program but also working with communities in cultural burning. So, sort of, making reference to the intersection of cultural burning, as I've just outlined it, with our hazard reduction program, I think it's fair to say that at this stage there isn't a great deal of intersection. The two tend to synthesise themselves beside each other, and I think that's probably indicative of the New South Wales context.

10 Currently, within New South Wales, there isn't a huge knowledge base around the - the role that cultural burning might play in hazard reduction or fuel reduction, and we're - but we are working with Aboriginal communities. We're partnering with them to undertake burns on parks, and those burns are burns that are coming from the community with clearly articulated cultural outcomes that they're looking for. And in some cases hazard reduction is one of the objectives and we're measuring the outcomes of those burns and observing the outcomes of the burns in order to build our knowledge base.

20 We have a science group within the group that national parks is within. And with the RFS we've established a bushfire risk management research hub. They've got some packages of work that they're doing, and one of them specifically addresses the health and social benefits of cultural fire management programs. And, as part of that, we're also addressing how compatible our existing planned burn program is with contemporary cultural burning approaches. And we've established a monitoring evaluation and reporting framework to support us in building our knowledge around that work.

30 MR TOKLEY QC: Thank you, Ms Stephens. Could I ask you please if you could identify what you consider to be the differences between the methods used by the State in terms of fuel load reduction, and the traditional Aboriginal fire management practices that you have mentioned?

35 MS STEPHENS: Sure. In New South Wales we tend to use two means of fuel load reductions. One is mechanical removal of vegetation, and obviously that's in situations --

40 MR TOKLEY QC: Unfortunately, we seem to have lost New South Wales altogether.

COMMISSIONER BINSKIN: Let's move on.

MR TOKLEY QC: Yes.

45 COMMISSIONER BINSKIN: And we will come back to her. We will let her know that she has been cut off and we will come back and continue with her evidence.

MR TOKLEY QC: Thank you very much, Chair. Gentlemen, we appear to have lost New South Wales, so I would now proceed to the Northern Territory. Mr Durie, can you hear me? Mr Durie, you will need to unmute yourself or have you? Thank you.

5 MR DURIE: Can you hear me?

MR TOKLEY QC: I can hear you well, thank you. Mr Durie, could you outline the ways in which the Northern Territory incorporates, supports or recognises Aboriginal fire management practices?

10

MR DURIE: Sure thing. I think at the outset what I can say is, in the NT context, Indigenous fire management practices are strongly interconnected with the work that parks and wildlife does and the methods that it employs. The Parks and Wildlife division of the Department of Tourism, Sport and Culture manages 87 parks and reserves. 35 of those are managed under formal joint management arrangements in partnership with Indigenous traditional owners. Most of these parks are owned by traditional owners and they're leased back to the Northern Territory Government.

15

In addition, the Territory Parks and Wildlife Conservation Act gives specific mention to recognising, valuing and incorporating Aboriginal culture, knowledge and decision-making processes and utilising the combined land management skills and expertise of both joint management partners. Key to these joint management arrangements is the development of joint management plans, and a key component of those are the biomanagement plans. These plans not only provide for management actions for specific fire management activities, they also recognise that fire is an important cultural value.

20

25

Through their membership in the joint management boards and committees, traditional owners are involved in, and approve, these annual action plans, the fire plans. And traditional owners are often involved in the burning themselves, you know, where there's an interest and a capacity to do that. So I said that there are 35 joint management parks in the NT. Of the other 52, while they're not jointly managed, the majority, there is recognition of native title over those lands. And while the process is not quite as formal as it is for the joint managed parks, there is also processes for participation of Indigenous people and incorporation of their practices on those parks in fire management.

30

35

In addition, many of our parks, we have established relationships with Indigenous, neighbouring Indigenous ranger groups. Department rangers carry out fire, weed and cultural management activities with some of these ranger groups, and often elders are also involved in those. Two probably outstanding examples I could give you would be where we have entered into agreements with traditional owners on two of our national parks, being Nitmiluk and Judbarra National Park, entered into agreements in partnership with the ranger groups that enable those parks to carry out carbon abatement projects on those parks. The purpose of these projects is to enhance biomanagement, improve Indigenous engagement, improve biodiversity outcomes and provide economic returns to traditional owners. The traditional owners in these

40

45

areas are involved in the planning, burning and reporting on improved fire management, securing carbon credits.

5 MR TOKLEY QC: Can I ask you, please, Mr Durie, is the burning that takes place complementary with traditional Aboriginal burning practices, or is it different from when you're seeking to do fuel load reduction exercises?

10 MR DURIE: Broadly speaking, it's very, very similar, and that's just the nature of the environment up here that lends itself to that. Fire mitigation practices align to what is generally understood by Indigenous fire management practices in that rangers undertake the burning from the air or by vehicle. In the early dry season put strategic breaks in and simulate patchwork burning in an effort to reduce loads and avoid more severe late dry season fires. I hope that answers your question?

15 MR TOKLEY QC: It does. Thank you. Now, the area of land that you're responsible for, is that a significant part of the Territory or --

20 MR DURIE: No, it's quite a small part of the Territory. It's about three per cent of the land mass of the Territory.

MR TOKLEY QC: And, to your knowledge, are the Indigenous fire management practices carried out elsewhere in the Territory?

25 MR DURIE: Yes, very much so. So, by way of context, in the Northern Territory, I should have said that whilst parks and wildlife is only over three per cent of the land mass, and I should say we have about 135 active rangers across those 87 parks and reserves. By comparison, the Indigenous land management groups up here probably number close to 1000 full time, part-time and casual rangers, and probably manage upwards of 20 to 30 per cent, fire management - active fire management projects  
30 associated with ranger groups. I don't know the exact figure on that, but I can say the context is we are the smaller player.

35 And it's probably important to point out too that the development of those Indigenous ranger groups and their fire management activities over the last probably two decades, the growth of that industry has definitely influenced how we go about our business and they're very much in the NT considered leaders in the field.

40 MR TOKLEY QC: Thank you. Could you please outline any advantages or limitations in employing Indigenous fire management practices in improving resilience to bushfires in the Northern Territory?

45 MR DURIE: Yes, there are a number of limitations for parks and wildlife. I think the main limitation is probably resourcing. Resources are finite and probably insufficient in many instances for us to do exactly how, you know, our brothers in the Indigenous and fire - land management sector do it. So there is the resources. The other thing I think I could mention are the grassy weed infestations. These can hinder efforts to implement Indigenous fire management practices as well.....changing --

MR TOKLEY QC: We've heard something about – I beg your pardon, I interrupted you, but we've heard something about Gamba grass.

5 MR DURIE: Yes, I was just getting to that.

MR TOKLEY QC: Thank you.

10 MR DURIE: Sorry. Yes, so these grasses, Gamba grass in the Top End and buffalo grass to a lesser extent but serious for Central Australia, these grasses are changing fire behaviour, fire frequency, placing limitations on when and how burns can occur. It does seriously affect the way we can go about things. The other limitation, I think, for parks and wildlife too is we would have more than the  
15 Indigenous ranger groups, we would have a focus on protection of life and assets, and have a lot more visitor management issues than they would.

So this certainly puts the limitation, the visitor season up here aligns and correlates with the burning season. So that's another issue that, sort of, thwarts us from fully implementing the early dry season burns that we would like to. I think they're the  
20 main things. I think there's - I could probably also mention one more limitation might be the threat to the NAFI service, the Northern Australian Fire Information Service. That's an absolutely essential tool for effective fire management, and it's heavily relied upon by all the fire practitioners in the NT. Currently there's no secure funding for that, so I would definitely give that importance as a limitation.

25 MR TOKLEY QC: Thanks very much, Mr Durie. Is it fair to say that some of the Indigenous fire management practices may not be suitable for certain areas that need to be protected; for example, in close proximity to townships?

30 MR DURIE: Yes and no. Look, I don't - in principle not really because it's - it's more about when you burn and how you burn. So particular methods of burning, yes, like aerial incendiaries, that might be a problem and might be much more difficult. But the, you know, the cooler early burns still are the same principles involved.

35 MR TOKLEY QC: Thank you, Mr Durie. I might now move --

MR DURIE: Did that answer your question?

40 MR TOKLEY QC: I might now move to Mr Falconer from Victoria.

COMMISSIONER BINSKIN: Did you want to go to Ms Stephens? She's now back up. Just in case we lose her again.

45 MR TOKLEY QC: Sorry, Mr Falconer. Ms Stephens was midway through an answer when we lost her. Sorry, Ms Stephens, I don't know if you remember the question I was asking? Ms Stephens, I think we will have to unmute you for the moment. Can you hear me okay? I'm afraid I can't hear you.

MS STEPHENS: Okay. Can you hear me?

MR TOKLEY QC: Yes, I can, thank you.

5

MS STEPHENS: Okay. I think I was talking about the fact that in New South Wales the hazard reduction or prescribed burning program undertaken in parks but also across the State by land management agencies --

10 MR TOKLEY QC: Yes.

MS STEPHENS: -- we use mechanical burning to clear vegetation in situations where it's warranted, and we undertake prescribed burning in situations where we want to reduce fuel. I think the first priority under the Rural Fires Act is protection of  
15 life and property, but then we also have ecological and other cultural objectives of our burns as well. The closer they are to community outlets, the townships, the houses, the telecommunications towers and those sorts of things, the smaller they might be. But, generally, they're more of a large scale, more of a landscape scale.

20 But we do at times undertake low intensity mosaic burning in situations where it is warranted due to ecological or other heritage concerns but from Aboriginal burning, Aboriginal cultural burning in New South Wales tends to be of a smaller scale to be - of a low intensity and to be focused on those three objectives I discussed earlier, which is caring for Country, practising culture and ensuring that - and  
25 sharing knowledge and protecting natural and cultural .....

MR TOKLEY QC: Thank you. Now, when the Aboriginal cultural burns were undertaken, is that by Aboriginal people or is that on their behalf?

30 MS STEPHENS: On a national park we have a range of activities. We have low intensity cultural burning undertaken by Aboriginal people, and national parks staff under Aboriginal cultural fire management policy and guidelines. We also have culturally-informed burning which is undertaken by park staff, including our  
35 Aboriginal trained firefighters, and that's where we will undertake burns. And part of the objectives of the burns are informed by the cultural outcomes that the Aboriginal community are looking for from those burns. We also, as I say, involve Aboriginal people in discussions around planning and long-term planning for our research as well.

40 MR TOKLEY QC: Thank you.

MS STEPHENS: But off park - I should add that off park there's quite a lot of cultural burning that goes on on Aboriginal land undertaken by Aboriginal people. We also have on local land services and Crown land and local government and the  
45 Rural Fire Service who are all working in the field of Aboriginal cultural fire management. And the RFS has a hotspots program, and part of what hotspots focuses

on is working with Aboriginal people to undertake some Aboriginal cultural burning on Aboriginal-owned land, and we also work with the RFS on that program.

5 MR TOKLEY QC: Thank you. Now, I understand in New South Wales that after a planned burn or a prescribed burn there's an evaluation process that's undertaken. Is that also true in respect of the traditional fire management practices?

10 MS STEPHENS: Yes, it is. On park, when we undertake, when we work with Aboriginal people to facilitate undertaking Aboriginal cultural fire management burn, there will be stated objectives for the burn and there will be an assessment of the burn in terms of intensity of fire it was looking to achieve on the day and - but then, also over time, how the burn went in achieving the objectives in terms of the fire biodiversity and the management of threatened species or, in some cases, impacting on pest species. The burns are clearly - are clearly aligned to the cultural  
15 outcomes and we - we then monitor the outcome of the burn and learn from that as a result of the monitoring program.

20 MR TOKLEY QC: Thank you very much, Ms Stephens. I might now turn to Victoria and to Mr Falconer.

MR FALCONER: Thanks very much, Mr Tokley, and just for the benefit of the Commissioners, I would just like to clarify that I'm a non-Aboriginal person and I'm not talking on behalf of traditional owners in Victoria when I talk about some of these practices. However, I have been working very closely with them over the last  
25 five years or so with other employees from both the Country Fire Authority and Parks Victoria. I also conducted a Churchill Fellowship in 2018 that looked at how agencies were working with traditional owner groups in the USA and Canada to do just the sort of thing that we're talking about today. And thank you for the opportunity.

30 Cultural burning in Victoria, as it's mostly referred to, I will start with the principles of how we've seen it in the agencies. And, essentially, those principles are that it will always be led by Aboriginal people. We've started the conversations and asked them what they want to do. Colonisation obviously had huge impacts in this part of the  
35 world and access to Country by Aboriginal people has traditionally been very, very limited. We will support that but in that order. They will lead and we will support.

40 As they describe it to ourselves, it's a contemporary cultural practice. It connects them to Country and you often hear the term "caring for Country". Fire is viewed as the tool, not as a prescription and it's done for a multitude of reasons and it is an expression of Aboriginal culture. In terms of how we developed a framework, this is for us about self-determination supporting Aboriginal people. So DELWP has a self-determination framework, as does the CFA and PV have similar documents which inform that approach.

45 And another important principle is recognising the legal rights to connection to Country for Aboriginal people. At the moment that's done largely through

recognition settlement agreement in Victoria with three key groups, but we're also engaging with groups that don't have access to Country because they're coming to us saying they want to nominate and participate in cultural burning and want to know the process of systematising that to do that across the State.

5

We also - that being FFM Vic, Parks Victoria and the CFA - supported the development of the Victorian Traditional Owner Cultural Fire Strategy. And that's an incredibly important document that outlines traditional owners' aspirations in this space and we're working through that document in an ongoing fashion to support them. We recently developed a cultural burning knowledge hub. It only went live a few weeks ago. And that's a repository of information from here and around the world that will help inform and educate the public and others that want to know more and participate in this activity.

10

15 In terms of really practical measures, a couple of years ago we appointed the first Aboriginal burn planner, and that has led to great success in terms of localised engagement with traditional owners so that they can participate in the process. We recently appointed a cultural heritage and cultural burning State-wide coordinator, and an additional position has been created to work in our head office to look over all agencies, how we can systematise burning into our current processes and systems and in a way re-regulate to make it much easier for Aboriginal people to connect back on Country to manage it using fire as the tool.

20

In terms of these sort of development, it has largely happened since 2017. Prior to that, to the best of our knowledge, there hadn't been any cultural burns, certainly on public land, for at least 150 years because people just didn't have access to that. In 2017 the Dja Dja Wurrung group of central Victoria came to us and said they wanted to do burns locally around the Bendigo area, and we supported that. Since that time 20 burns have been - traditional burns or cultural burns have been completed and, as of last week, there are 100 currently being nominated by more than six traditional owner groups in Victoria. And the reason I bring that to your attention is it just shows the incredible desire for traditional owners to get back on Country to be part of that management process. And I have no doubt that this will be - play a much larger role in the future of fire management in Victoria.

30

35

MR TOKLEY QC: Could you identify for me, please, the differences between the traditional Aboriginal fire management practices and the sorts of activities that are undertaken for the purposes of reducing fuel loads?

40 MR FALCONER: Certainly. I will start with what cultural burning has been, in my experience, here in Victoria. And as I alluded to before, the approach has been really been sort of predicated on self-determination. So it's used as a really holistic management tool, under the guise of healthy country, healthy people, including looking at the social, economic and environmental opportunities for traditional owners through that as well.

45

There's a really vast difference between the scope and scale for the two burning programs. And what I mean by that is the purposes for which traditional burns happen for are very, very varied, and in our experience over the last five or so years, fuel reduction is often an outcome, but it has never been the primary purpose of a  
5 burn, and I will give a couple of examples for you to make it easier for people to understand what the burns have been.

MR TOKLEY QC: Thank you.

10 MR FALCONER: The vast majority - sorry, Mr Tokley.

MR TOKLEY QC: Thank you.

MR FALCONER: And the vast majority are about promotion of food, fibre and  
15 medicinal plants. But when we've gone out there and met with people and traditional owners, it really is about the people, in their words, getting elders and children out on Country. Often post-burn they will go back and put seed banks back into the land, because it has been, in this particular instances, heavily mined - they call it upside  
20 down country - the seed banks are depleted, so they're planting plants that are important for their culture and that contemporary culture.

Another example, there was a burn at Boort fairly recently where they were encouraging the growth of particular plants and native grasses and perennial herbaceous plants for medicine, but also to look for cultural artefacts. So there's a  
25 really close link to cultural heritage here as well.

And another example, and the last one I will give, you know, tragically a young Aboriginal man committed suicide on some Country, and the purpose of the burn was to smoke it to clean the spirit of that country. You know, in stark contrast to that,  
30 and I know Mr Hamish Webb and my chief fire officer have spoken to the panel, the State's conventional burning program is largely, but not exclusively, about reducing fuels to reduce risk to life and property, and there's also an ecosystems resilience element to the burn program as well. So it's not exclusively about reducing fuel for risk. And certainly where I work a lot in the Loden Mallee a lot of our conventional  
35 burns in parks is actually to protect threatened species from devastating bushfires like the ones we've seen this season.

MR TOKLEY QC: Thank you, Mr Falconer. And, to your knowledge, is the State seeking to incorporate traditional Aboriginal fire management practices into its suite  
40 of practices for hazard reduction? Or do you see the traditional practices as complementary or how do you see the interface between the two?

MR FALCONER: Thank you. I think the - it's a bit of a complex question in that ..... conscious of ..... and the intellectual property rights of the traditional owners. So  
45 we're making sure that's a priority for us. I do see it very complementary and, at the request of traditional owners, we are integrating it into our fuel management program

because - which we call our joint fuel management plan. So all the burns that have happened have gone through that nomination process.

5 So, although they're integrated, we haven't as yet, particularly because of this smaller number of burns, relatively speaking, in the last five years, even measured how much fuel reduction has happened because it has been so low. I was looking at our records yesterday and some of the burns that I mentioned, about 100 or so that have come through to be nominated - and I suspect it will be hundreds in the next few years, which we strongly encourage - some of them are in forested areas, you know,  
10 200-plus hectares that will have, I'm sure, a fuel reduction component.

So we will integrate them from a regulatory perspective and I will just bring it to the Commission's attention: one of the reasons is traditional owners don't want government to say, "Yes, burn" and we throw them the legal risk associated with that  
15 and what happens when there's a burn escape, in the very unlikely event that there is.

MR TOKLEY QC: Thank you very much, Mr Falconer. I might now turn to Queensland and to Mr Leigh Harris. And, Mr Harris, could you please outline the ways in which Queensland incorporates or supports or recognises Aboriginal or  
20 Indigenous fire management practices?

MR HARRIS: Thank you. First Nations peoples and their knowledge is increasingly at the forefront to provide landscape fire and fire management in Queensland. Queensland Parks and Wildlife Service is working collaboratively with over 30 First  
25 Nation groups, covering a range of different cooperative management arrangements, including the development of protected area management plans which we do in partnership with First Nations people, and those management plans will provide strategic direction for fire management activities, and we incorporate traditional knowledge through working with the First Nations people into those practices.  
30

We undertake direct on-ground fire management activities across many of our protected areas and work under fee-for-service arrangements with First Nations people and work together to implement those on-ground activities. We also manage the Land and Sea Ranger Program which I can go into greater detail, and then also  
35 we have former legislative joint management arrangements in place for First Nations people on Cape York Peninsula and with the Quandamooka people in south-east Queensland, and I will go into greater detail about that.

40 From a broader QPWS fire and management perspective and particularly with our conservation burning practices, our burning practices are very, very similar to traditional burning inasmuch as we have similar objectives, timing and methods. Our bio-regional planned burning guidelines, which provide the ecological basis for our burning activities in our estate, have been developed both with scientific and traditional knowledge in the development of those guidelines.  
45

Looking at joint management arrangements, Cape York Peninsula, 28 national parks are managed under joint management arrangements covering over two million

hectares. Under those arrangements First Nations people are the freehold landowners under the Aboriginal Land Act, and the State are joint managers under the Nature Conservation Act. Indigenous management agreements provide the framework for joint management and decision-making in those areas. And, with regard to fire management, we conduct joint fire management workshops annually, where traditional knowledge and scientific knowledge is shared and previous programs are reviewed and the forward fire management programs are planned and implemented. Those planned burn programs are implemented using both traditional burning practices and also aerial and incendiary burning programs.

With the Quandamooka people at Minjerribah, North Stradbroke Island and Mulgumpin, Moreton Island in south-east Queensland there are similar joint management arrangements in place. The Quandamooka people have developed Jarlo which incorporates traditional knowledge for their fire management on their country. And Jarlo has been used to underpin the development of the Minjerribah fire management strategy and the Minjerribah township fire management strategy which is a multi-tenured approach working with other State government agencies and local government. And the Quandamooka Yoolooburabee Aboriginal Corporation, or QYAC, have been awarded the contract to implement those fire management strategies as well.

Considering the Land and Sea Ranger Program, the department manages the Land and Sea Ranger Program and provides funding to assist First Nations groups to employ Indigenous Land and Sea Ranger teams. There are over 100 rangers across 24 regional and remote communities across Queensland and they deliver on-Country land management activities, including fire management across tenures. In 2018 and '19, Land and Sea Rangers reported fire management practices across 710,000 hectares, including hazard reduction burns, firebreaks and traditional burning practices.

MR TOKLEY QC: Leigh, could I just stop you there for a second.

MR HARRIS: Sure.

MR TOKLEY QC: You talked about the fire management practices but you also mentioned the word "traditional" management practices, I think. Is there a distinction between those two?

MR HARRIS: When I was - fire management practices, I was talking broadly about how they're applied for, across QPWS. The traditional burning practices I'm speaking specifically about traditional owners' approaches to burning.

MR TOKLEY QC: And can the objectives sometimes align and sometimes be different?

MR HARRIS: The objectives for our planned burning programs are very, very similar. That is, they're implemented to decrease risk of large destructive late

wildfires, late season wildfires. They're implemented to protect the most important values, the natural and cultural values of the area. And, generally, it means we're doing early dry season burning to reduce fuel loads and creating patchwork or mosaics within the landscape, and maintaining and protecting habitat and fauna. And  
5 in that context, our burn practices are very, very similar.

I think they differ, as it's been outlined before and by some of the other colleagues, is that they differ in particular where - in areas of the bushland urban interface where there might be a more intense hazard reduction activity required and the greater  
10 reliance on mechanical treatments.

MR TOKLEY QC: Thank you very much. Ms Stephens, I might come back to you because you were cut off. There was a question I was going to ask you about some --

15 MS STEPHENS: Yes.

MR TOKLEY QC: -- projects that are undertaken in New South Wales. I was wondering if you could just give me one or two examples of the sorts of projects that are being undertaken in New South Wales with regard to Aboriginal or Indigenous  
20 fire management practices?

MS STEPHENS: Absolutely. I might - I might touch perhaps briefly on three, but I promise I won't go into much detail. One I started in 2016, it's the Yellomundee cultural burn forum and the most recent activity of that group was a four day forum  
25 which was managed by a number of government organisations, our local land services and the Rural Fire Service and parks. It was with the Darug Aboriginal community and they undertook a cultural burn under our cultural fire management policy and community guidelines, and it was very much around sharing knowledge, sharing practice, getting people out onto Country and working together.  
30

It's a program that's been run in western Sydney at the base of the Blue Mountains and they've been really strong, reported good outcomes for community in terms of social benefits and the community benefits in terms of engagement of Aboriginal  
35 people with their Country and with the cultural burning program.

The second one is in northern New South Wales. It's called restoring grassy land bio-cultural landscapes. It has also been going on quite a while- since 2017. It has involved a series of burns. It's up near Dorrigo and the New England escarpment and it has encompassed 50 hectares across several sites with a focus on protecting  
40 Aboriginal cultural values, grassland restoration and threatened species protection. It has been implemented by parks in association with the ..... and the ..... representatives and also Firesticks Alliance which is one of the corporations that's active in land management. More than six cultural burns have been completed under that project to date.  
45

And then I will go briefly, a third one, and it's of interest that one of the objectives of this project is hazard reduction. It's in the Triplarina Nature Reserve, it's called the

5 cultural burn project and it's in the western Nowra on the south coast. So that's a third  
geographic area within national parks. They've undertaken one burn and that was in  
July 2019 and they have other burns planned. It's a relatively small project, 3.5  
hectares, but the focus is on threatened species protection, hazard reduction and weed  
control, and it has been undertaken in partnership with the Nowra Aboriginal  
community. And provided a great opportunity for participants to make a meaningful  
connection on Country.

10 So that's three examples of at least eight projects that we have up and running across  
parks estate, as you can see with, in many cases, multiple burns over a series of  
years.

MR TOKLEY QC: Thank you very much.

15 MS STEPHENS: And involved those people.

MR TOKLEY QC: Thank you very much, Ms Stephens. Commissioners, that  
concludes my questions for this panel. I was wondering if there were any questions  
from yourselves?

20 COMMISSIONER BINSKIN: No. From the basis we had this morning and now  
description of some of the activities that are taking place, I just would like to go, just  
round the four witnesses. I know from Victoria it started in 2017, New South Wales  
it sounds like 2017. Can we just check with Queensland, I missed the date there. And  
25 Northern Territory I know has been going longer. But I would just like to have an  
idea of the time scales we're talking about, because it helps with the context of some  
of the other witnesses that we've had about not much is happening, but it depends  
over the context of the time period we've been looking at. So if we just get a  
summary of the time frames. We've had New South Wales and Victoria. I just  
30 need Northern Territory and Queensland, please.

MR TOKLEY QC: Certainly. I will start with Queensland. Leigh, did you hear the  
Chair's question?

35 MR HARRIS: With the joint management arrangements in Queensland, they  
commenced in, I believe, 2007 or 2008. The joint management arrangements with  
the Quandamooka people are more recent and have been in place now for the last  
three years or so. The Land and Sea Ranger Program has been established since  
2007.

40 MR TOKLEY QC: Thanks very much, Mr Harris. And Mr Durie from the Northern  
Territory, if you could - if you're able to address - turn your mind to the question of  
when you started working in collaboration with Aboriginal people in the parks area  
regarding these burns?

45 MR DURIE: Yes. Look, I would say the beginning of joint management was 1981 in  
the Northern Territory. Prior to 2005 and the Framework for the Future Act there

were about six jointly managed parks, Nitmiluk and others. From 2005 another 27, I think it is, 27 or so jointly managed parks. So it has been going on interconnected with Aboriginal people that entire time, really, that parks have been established up here.

5

MR TOKLEY QC: Thank you very much, Mr Durie.

COMMISSIONER BINSKIN: And just an additional question, can you just confirm me ever for me: when did the carbon management program start in the Northern Territory as well? That was another key date as well from memory.

10

MR DURIE: Yes. So in terms of parks and wildlife, the project in partnership with the Jawoyn people at Nitmiluk National Park commenced, I believe it was 2017. I think it was 2017. And Judburra is to commence this year. In terms of carbon abatement project per se, you go back to 2006, I think, with the Walpa project out in Arnhem Land.

15

COMMISSIONER BINSKIN: Thank you for that. That's good baselining for us. Commissioner Bennett? Commissioner Macintosh? No, I again, appreciate the panel of witnesses. You've added another part of the mosaic to fully understanding what's meant by Indigenous practices and Indigenous management. So thank you very much. We appreciate it.

20

MR TOKLEY QC: Thank you, Chair. I don't think any of the witnesses are returning so if they could all be released.

25

COMMISSIONER BINSKIN: They can all be released. Thank you.

MR TOKLEY QC: Thank you very much, Chair.

30

COMMISSIONER BINSKIN: Thank you.

MR TOKLEY QC: Chair, I think we built into this afternoon's program an afternoon tea session, a short session.

35

COMMISSIONER BINSKIN: So I think we're due to recommence at 1500 aren't we?

MR TOKLEY QC: Yes.

40

COMMISSIONER BINSKIN: Okay. Let's take an adjournment to then and then back in here at 1500 Canberra time.

**<ADJOURNED 2.37 PM**

45

**<RESUMING 3.04 PM**

COMMISSIONER BINSKIN: Ms Hogan-Doran.

MS HOGAN-DORAN SC: Yes, Ms Ambikapathy is taking the final session for today, Commissioners.

5

COMMISSIONER BINSKIN: Ms Ambikapathy.

MS AMBIKAPATHY: Thank you. The final panel for today will be seven witnesses who are land and fire practitioners. And the first witness is Victor Steffensen from Firesticks Alliance Indigenous Corporation. We have Oliver Costello from Firesticks Alliance Indigenous Corporation, Tyrone Garstone from the Kimberley Land Council, Dean Yibarbuk from the Warddeken Land Management Limited, and Shaun Ansell from the same organisation, and Daniel Miller and Russell Mullet from the Gunaikurnai Land and Water Aboriginal corporation which is sometimes referred to as GLaWAC. So I call all these witnesses.

10  
15

COMMISSIONER BINSKIN: Welcome to the afternoon panel. Thank you for taking the time to join us. We appreciate it.

MS AMBIKAPATHY: If you could please administer the oath and the affirmation, please.

20

<VICTOR STEFFENSEN, AFFIRMED>

25

<OLIVER COSTELLO, AFFIRMED>

<TYRONE GARSTONE, AFFIRMED>

30

<DEAN MUNUGGULLUMURR YIBARBUK, SWORN>

<SHAUN ANSELL, AFFIRMED>

<DANIEL MILLER, AFFIRMED>

35

<RUSSELL MULLET, AFFIRMED>

<EXAMINATION BY MS AMBIKAPATHY>

MS AMBIKAPATHY: Thank you everybody for making the time to be here today and to provide evidence to the Commission. We appreciate that there are a lot of matters that are relevant to this topic, and the Commission has been greatly assisted by your submissions that you have already provided in writing. This afternoon we're just going to take the time to focus in on a few of the issues, and only a few of the matters, but we've had regard to the written submissions that have already been provided by each of your organisations.

40  
45

If I might start with you, Tyronne, and my first question is, if you could please describe the types of work Indigenous fire experts and practitioners carry out, and in answering the question, if you could please talk to the main drivers and also the intended outcomes for this work?

5

MR GARSTONE: Good afternoon everyone. Thanks for the opportunity. In regards to a lot of the work that's carried out we manage a range of network here in the Kimberleys which employs between 70 to 100 full-time rangers. They're scattered across the landscape. The landscape here in the Kimberleys is over 450 square kilometres in size. So there's a range of different works that the actual rangers do. They actually go out on Country. They do fire walks so they're able to actually physically do the burning on the ground. We also operate with helicopters as well, so where we're shooting incendiaries out of the helicopters into the more remote areas, and a lot of suppression work that's done early as well. So that's trying to, obviously, reduce the fuel loads within the environment, trying to ensure that there's cooler burning, less heat - so there's not so much high intensities in the fires.

With regards to the rationale as to why we burn, again, fire has been part of our tradition for centuries, and it has always been seen as a part of life. Fire rekindles life, it rekindles birth, it rekindles generation in the actual landscape. So that's the real driver that has been coming from geos in the Kimberleys. More recently there has been other opportunities that have arisen through the projects, as we become, I suppose, a bit more sophisticated in regards to some of the technology that we now use. We've been able to harness a lot of the land management practices that we do through fire, been able to generate carbon credits; so in a few of the areas that are actually able to fit the criteria to be able to generate carbon credits, we're now generating those credits which we're selling to corporate entities for reasonable money, which is then put back into the landscape and put back into managing Country from there.

30

So I think it is a lot of co-benefits that's happening through this program. The rangers - we're seeing a lot of transfer of knowledge happening, where a lot of the senior people are being able to talk about Country, talk about the different aspects of Country with the new generation coming through. They're being able to walk the Country together. So that's happening through this program and I think we're seeing really good co-benefits through the employment, through education, through, you know, we have high rates of ..... in the Kimberley. So we're even seeing a downturn in particular communities where we have these programs running as well. So I think the measure of the program goes beyond just environmental outcomes. I think there's a lot of good social outcomes happening as well.

40

MS AMBIKAPATHY: Thank you. And, Dean, if I might ask you the same question, which is if you can describe the type of works you and the other Indigenous fire experts and practitioners carry out, and what are the main drivers of that work?

45

MR YIBARBUK: We have rangers on the ground ..... was talking about having the people on the landscape, you know, live and maintain land, I suppose, through a

prior - that has happening for decades. And since that, people walk off the land.  
We - we operate under the big ..... access where once upon a time our people lived  
and managed and carried out the specific fire projects early - early burning. So the  
people there and living and managing and communicating each other. Now that we  
5 have a new generations coming up that we need to teach, we need to invigorate our  
knowledges, traditional knowledge to bring it back so that we continue practising.

We employ about 150 yearly casual workers, full-time and part-time workers, so  
they have to come in every early dry season and enjoy working in our landscape; an  
10 opportunity for a lot of the traditional owners that haven't been on the landscape, on  
that country. The landowners also get a chance to come and work and see the country  
that he hasn't seen that country since his families has passed on. So he's got a good  
hand, you know, working ..... fires. This is a new process now that we have gotten  
more deeper and deeper in from mining with the western kind of land management,  
15 and we're seeing a new challenge, new technologies, new modern technologies  
taking place which we just, we are acquiring as well. In the future we want to see our  
children be able to use that technology, apart from what we've got now. And they're  
using this technology - this modern technique that we are working on, this changes  
our practices.

20 Nowadays, of course, the difficulty is- a way of doing it would be our challenge, and  
reflecting our minds back in decades. From the beginning our peoples used to move  
around and setting fire in their own landscape, making sure that early dry season,  
burning it, protecting the wildfires late dry season occur. But we've come a long way  
25 from traditional practices now, and now are using modern technologies. There's two  
ways of appreciation, we believe, using our traditional knowledges and combining  
with the western scientific knowledge as well.

MS AMBIKAPATHY: And, Dean, can I ask you, are you able to give an example of  
30 how you are combining the traditional knowledge with western science and western  
practices?

MR YIBARBUK: Can I just get Shaun to give you a bit of background what's  
35 happening. Shaun.

MR ANSELL: So I think day-to-day, every day when rangers are using, well, when  
they're using things like helicopters or GPS to help guide their burning or help  
deliver it, right there is a combination of traditional knowledge and western tools and  
new tools; and the people are using everything at their disposal, combining that with  
40 their knowledge about how to burn Country, where to burn it, when to burn it and to  
bring those things together to enable people to address the challenges of colonisation.

MS AMBIKAPATHY: Thank you. And I might now ask the same question of  
Victor, because Firesticks, the organisation is a little different in the sense that  
45 you - actually, I will let you explain Firesticks and then the type of work that you do  
and you carry out, and what the main drivers and outcomes are.

MR STEFFENSEN: Yes. Well, first of all, Firesticks is just a support mechanism for the communities, and that's something that was made up from the network of communities that have been involved in the workshops and - and connecting with each other and rebuilding knowledge and helping them to get fires on their country.

5 So it's a community network. And it's not an umbrella and it doesn't speak for all communities. It's just basically a support for those communities who need support in terms of training and in terms of Indigenous knowledge support, and support the, you know, to talk to governments and help build partnerships for communities as well, along those lines.

10 So it's a support mechanism. So it's not intended to do the burns. It's not intended to hold equipment. It's intended to beef up the capacity of the communities, and that's where - how it should sit on a regional level for each regional place. And the work that we do is working with different regions and planning groups to structure their own programs the way that it suits them and fits their landscapes, and support them with the right people that have similar landscapes or problems within the landscape.

15 And the programs - well, what I really do is I'm an Indigenous practitioner, Tjupkai descent from North Queensland, and basically is to help people to get their fire programs going on Country. And the way that is done is through sharing knowledge and through landscapes, and helping communities to rebuild knowledge from landscapes. And their fire practices, just only one avenue of importance and it's really important, and why it's up at the front and centre is the land's unhealthy and we need to improve the landscapes. And communities are also struggling on some social health as well in some places and it's really crucial to get people back on Country. So the need for this is not just about burning the country or hazard reduction, it goes right through to social, and it's really crucial because there's a lot of communities that need help with their social structures as well.

20 And so learning to - learning this is all done practically. And everything that we do is practical and it's also based on building relationships with non-Indigenous as well, and also partners and agencies to support a methodology that involves - that works from traditional bases, our knowledge base, and works from there upwards. And so it's a really important program for communities and it has been quite successful in many places and - and it only moved to the places where community asks for it.

25 So it's really a program that is set to - for Aboriginal people and it's really crucial that Aboriginal people are doing this because the amount of benefits that come from Indigenous fire or Aboriginal fire management, like I said, it feeds through many areas, and that is something that we want to - you know, that needs to be done by Aboriginal people. And it's a medicine and the fire is a medicine, not just for the land, it's a medicine for healing for the mobs. And it also gives non-Indigenous people a greater understanding of Aboriginal culture and to - also to respect our culture and to feel part of that landscape and culture, and know that the Indigenous fire management is valuable for the future, not just for us culturally but to look after the environment, but also to close the gaps in terms of non-Indigenous people getting involved as well under that token.

But, for us, the only way that can really happen is that we have Indigenous led programs, and that's really crucial. And a lot of the work that's happening within the southern areas, a lot - and even the northern areas, is the healing of landscapes and so the program is also highly based on trying to heal sick country. There's a lot of sick country out there. And just today I was out on sick country again where the wildfires were and just full of weeds everywhere since that fire, and there's not even a native plant in there for many hectares and the community is sad. The trees got no leaves on it, they're stressed. And there's a lot of work to do, and there's a lot of activities like getting out there and preparing landscapes for the fire that have weeds, they can't - that don't dry out at the right time when that country is supposed to burn.

And then there's also applying the fire at the right times to bring back the native vegetation. The Indigenous fire knowledge is the baseline for healing, and that's based on the law of fire and the law of landscapes; and the law never changes and that's why it's really important baseline to work with modern problems and challenges within our environment and our community.

MS AMBIKAPATHY: Yes. And so I think, from what you've said, understanding of traditional fire management is very much about healthy Country. And I might ask Oliver if you could talk me through some of the indicators you look for to tell if a country is healthy or not healthy, and what informs you about whether fire needs to be applied?

MR COSTELLO: Sure. Thank you for the question and thank you for having me. I would just like to start by acknowledging Country and paying my respects to elders, past present and future. Also, I guess, yes, it is about healthy country. And really what, you know, like our Firesticks role is around mentoring and supporting those cultural learning pathways. So it's really First Nations traditional owners that are the ones that are reading our country and looking at those indicators of health.

Unfortunately, a lot of country is really sick, so there's a lot of really negative indicators. So, indicators are specific to the cultural values of people. So different plants, animals have different values to different people and different cultural groups. So, for example, you know, Burrabi koala is a totem, for many people, it's a food source. So if you're looking at, say, gum tree country where there would be koalas and we're healthy country indicators, one of them would be signs of koalas. So if there's an absence of koala, you know, like marks on trees and scats or even visual sightings, that's a negative indicator. And so looking at, you know, the canopy, the health of the canopy, you know, how strong is the canopy, the grass layers, herbs, shrub layers, medicines, fruits and berries, access to country, being able to read the kinship between those species and also the relationships between those species.

And in particular, I guess, in these areas that have been heavily impacted by the bushfire season, we've been looking at ..... and seeing huge layers of shrub and regrowth. You know, some of those species belong there, but they're overly abundant and they're dominating, so they're taking away life from the grass, they're taking

away water and nutrients. They're creating ladder fuels so when the wildfires will come through they burn the canopies through. They're the sort of thing, you've got to come in and it's really important that that's done through cultural authority. Look at those indicators. What are those values that are important? To me or my community.

5

MS AMBIKAPATHY: Oliver, can I interrupt you there. Can you explain what you mean by cultural authority?

10 MR COSTELLO: Yes. So that's one of the key things about cultural burning is that we're talking about people's connection to Country and their authority to be able to implement fire. So under, you know, traditional law, you know, certain individuals have rights and responsibilities so it's really important that we --

15 MS AMBIKAPATHY: So, if I can, in terms of the work that Firesticks does, how do you capture that cultural authority when you're doing work on Country?

20 MR COSTELLO: We work with people that have that connection and that knowledge of that. So people understand if they can talk about the special places, the cultural indicators, and if they have that knowledge, well, then they have those connections. So you work under that authority around the knowledge that they have. And then that's a part of the Firesticks approach, is around helping to build knowledge as well. So being able to do community led mentorship which is how knowledge has been traditionally transferred in these landscapes for thousands of years through elders and community members sharing knowledge. We use that pathway to be able to identify particular values and people can talk about their connections to those values and that's where that cultural authority comes from that country.

30 MS AMBIKAPATHY: Thank you. So Daniel and Russell, I might put the same question to you in terms of understanding traditional fire management is about healthy country. Can you talk to me again about what indicators you look for to tell whether the country is healthy or not, and how that informs your decisions about burning and fire?

35 MR MILLER: Thank you. Yes, thanks for the opportunity to speak today. I just - I guess I'll first start by saying that I would like to put my support behind all the principles that have already been mentioned by all the previous speakers. I think everything that they're relating is relevant to us too. So I think in terms of measuring the health of Country, the - and as Victor and Ollie and Tyronne and Dean were all saying, the community are an integral part of Country so - and it's intimately related, the health of community and the health of Country. So it's not a simple thing to measure, I don't think, but it's all encompassing I suppose. And we like to try and have - take a landscape approach to - to managing Country here in Gippsland, looking at all those factors. So, you know, our community feeling connected to a piece of Country. And, you know, do they feel empowered to make a decision or have some meaningful input into managing Country and, in this instance, in a fire sense?

MR MULLET: And just to add a similar comment to support the way that I guess the old people looked at Country. One of the things about it is that we down the south here have been - we've lost the inheritance to our landscape, to our country, through  
5 colonisation and we're being reintroduced back to that. One of the first things teaching the young ones is: hey, what animals live there? We don't live amongst other totems anymore. We're pushed into towns and maybe onto places like trusts, and we're reconnecting. But one of the questions we ask is: what do we look for? We  
10 look for the totem because they live there 24/7 and we don't. So, in the past, that was an inherent right to manage the landscape on their behalf. And we took - we have exploited that landscape. And so, you know, from a fire management point of view, reducing their risk in their country is a part of our obligations.

MS AMBIKAPATHY: Thank you. And so I might ask Tyronne whether you had  
15 anything to add in terms of the concept of healthy Country and what you look for and the indicators, and how that informs your decision about fire?

MR GARSTONE: Yes, look, really, fire burning is in an innate a feeling for the traditional owners here in the Kimberley. It's almost like sixth sense, you know. A lot  
20 of the senior people we take on Country, they walk the Country personally, and they talk to it just like it is a relative, calling out to it looking for a certain species, looking for certain fauna to be growing, seeing which way the winds are blowing, and that enables them to determine whether it is the right time to burn and whether the Country is healthy enough to burn and can be able to assist. All through this process  
25 we have talked about saying that the emergence of traditional law and culture and heritage systems, versus the new modern western way of doing things, but a lot of the planning is ahead of time, adapting to how traditional people, Aboriginal and Torres Strait Islander people, sort of go on and map the country themselves and how they relate to it.

30 Coming together now, we're using obviously helicopters, leaf blowers, you know, drip torches, all this new technology, but it's all founded on the principles of traditional knowledge. And I think going forward and what we've seen through these natural disasters that happened over the years is to say that there really has to be an  
35 acknowledgement of this traditional knowledge and how that's brought to the forefront and, you know, and take on board what people are saying. You know, each jurisdiction is different. What we do here in the Kimberley won't necessarily work down south. But there are certain principles that can be applied across all the different landscapes of Australia and the acknowledgement of traditional knowledge,  
40 I think should be the foundation going forward.

MS AMBIKAPATHY: And in terms of those principles, are you able to, at a higher level, identify what those principles - that do apply broadly?

45 MR GARSTONE: Look, really, it varies from you know- and this is the modern context that we come into because landscapes mean different things. And as we have been more, I suppose, through colonisation here in the Kimberleys, we've got

pastoral, agriculture. There's certain industries having different requirements to how land is managed now. So from a principle of the First Nations people is that Country comes first. That's where all your foundation comes from. So that, in an essence, is the broad principle of how you do it. So how landscapes are managed across  
5 Australia over the last 100 years or so since we've had colonisation, would have to be really turned on its head in some regards, to be able to adopt some of the more traditional methodologies of how we manage landscape.

10 MS AMBIKAPATHY: Can you elaborate a little bit more in terms of what you mean by turn itself on its head?

MR GARSTONE: Well, a lot of the fires that we do here, we do more frequent burning. We do a lot more mosaic burning, trying to manage Country in a way, trying to stop introduced species coming into our regions, trying to manage that as  
15 best we can. But as what has been touched on, is to say that there's so many different foreign species now in certain parts of Australia which is - we don't know how they burn. We don't know how they interact with some of the landscape, how they interact with some of the waterways that we have as well. So, you know, it's through that process we have to, sort of, bit of a learning curve for us as well.

20 MS AMBIKAPATHY: Thank you. And Dean, was there anything that, in terms of the discussion around healthy country and indicators, is there anything else that you would like to add?

25 MR YIBARBUK: I think that's pretty well said. The ..... we have now. I think what has happened now, when we come across the sea, things are not there and that's, can sense that something's wrong. So we see that every day in our lives, the hunters and gatherers go out and come back with stories; stories of their success or stories of something has happened that's not right. So information goes on every day every,  
30 you know, night and day. But hunting, family come back with their story. And that's where we pick up, as the land managers, that we ..... to it and start trying to monitor or trying to look for the certain thing or making - enquiring about what's happening on our landscape.

35 So it's a broad - very broad thing, talking about healthy Country. Healthy Country for our plants and animals, healthy Country for our humans, for our land, for our people to remain and live on and carry on- that metaphor has been carried out from thousands of years until today and we want to continue to express that for our generations coming on, and their generations to go on.

40 MS AMBIKAPATHY: I might now take this opportunity to play a short clip that has been put together by the Kimberley Land Council that - if that could be broadcast as well. Thank you.

45 COMMISSIONER BINSKIN: Can you just stop it. It's not being broadcast. Okay. Now it's being broadcast. Thanks.

MS AMBIKAPATHY: Thank you.

<VIDEO PLAYED>

5 MS AMBIKAPATHY: Thank you. I might ask Tyrone again a question. Are you able to speak to what ingredients made a successful traditional fire management program, both from a healthy Country perspective and as well as the community more broadly?

10 MR GARSTONE: Again, it varies in each jurisdiction, but from what we've found here in the Kimberley is constant communication, early engagement with the traditional owners from those areas, and an ability to find good partnerships going forward as well. So, as you can see the video that we put up there, there's a number of different government and Commonwealth stakeholders when we do these types of  
15 fire burns. But the whole planning process that we go through is that we sit down with all the people, and I suppose through the native title process a lot of the anthropological work has been done with regards to mapping, who talks to what part of the country. So we've been able to identify who are the right people to talk to for what parts of those different areas.

20 And we sit down with them with the maps talking to a lot of the senior people, taking them out on Country, and basically walking them, talking through to where the fire plans are going to be happening and where we're going to put all the different burn lines through as well. So I mean, that hands-on engagement is a crucial part to  
25 the success of doing it. In regards to what does it look like in the community is, I think fire burning itself is one element of really what we've tried to promote here through the ranger program. And I think the ranger program has to be quite clear to say that they're a stand-alone program; that these guys that are doing the work in these particular areas should be remunerated as full-time salaries.

30 These are part-time CDP program type jobs this they do, and the work that they do aren't only beneficial towards the community and to the Kimberley region - you know, we try and link this in to say that the benefit that they're doing is broader than that. It has actually got a national importance. Australia signing up to the Kyoto  
35 Protocols, trying to reach all the biodiversity outcomes. You know, all our rangers across all of Australia are playing a lead role in Australia meeting those targets that we're signing ourselves up to do. And a lot of the Country that we look after is we've got some form of First Nation ownership of it; now whether that's native title or whether that's land rights.

40 So in regards to what it looks like on a community aspect, these guys here, you can walk into any of these communities and see the guys who do the ranger program, and they're a beacon, they're a shining light. And most of the communities rely on them. They're seen as role models. So I don't think you could really put a measure, just  
45 around the project of fire burning itself. It goes far beyond that. There's so many other co-benefits that we see in the communities in which they operate.

MS AMBIKAPATHY: Commissioner Bennett.

COMMISSIONER BENNETT: Yes, Tyrone, I had a quick question just for you and for Dean because you've both mentioned the rangers and now you have  
5 explained a bit more about the work that they do. It's a very mundane question in one way. But I mean, who employs them? Are they employed by the Kimberley Land Council or are they government and, if so, State or Federal, and I don't know if it's the same both for the Kimberley Land Council and the Warddeken Land  
10 Management Limited, but I just would be interested to know that. Thank you.

MR GARSTONE: I'm happy to go first, Dean if that's alright. From a Kimberley Land Council perspective, we are predominantly funded by Commonwealth through the Indigenous Ranger program and also the Indigenous Protected Areas program as well. That's the lion's share of the funding that we receive for the rangers. The KLC  
15 that employs them under our own EBA and we pay them accordingly in line with our enterprise agreements.

COMMISSIONER BENNETT: Then, you were saying that one of the difficulties is that they're not full-time. I'm sorry, if they're employed by the Kimberley Land  
20 Council, why don't you employ them full-time?

MR GARSTONE: No, let me just clarify that, sorry. We do have 70 full-time positions that we do fund, and we are funded from the Commonwealth. However, there's most probably another 100-odd rangers that we employ part-time. Just the  
25 pure size of the Kimberleys is most probably, you know, two times the size of Victoria and if you think of only 70 people trying to manage that landscape, it's fairly difficult.

So we're always pushing for more funding. And quite often what happens is people  
30 see a short-term goal in regards to trying to say, well, maybe we should improve more rangers through the CDP program. And we're sort of against that because the CDP program only generally pays for about 15 hours to 20 hours a week, and I think that's counter-intuitive, or counterproductive in regards to, it's not really acknowledging the skill sets that these people actually have in doing the fire work.  
35

COMMISSIONER BENNETT: Thank you very much. I think Dean is the other person who mentioned the ranger program. Is it the same situation in the Warddeken Land Management?

MR YIBARBUK: No, quite different. Warddeken Land Management, we set up as independent land management, not-for-profit company. So we run solely  
40 independent indigenous organisation as fire and land managements. Whereas, you know, there has been a lot of worry-ness out there in that time. But we're an independent body.

COMMISSIONER BENNETT: I see. Thank you. Thank you very much. I'm sorry. I'm sorry, Ms Ambikapathy, I interrupted you.  
45

MS AMBIKAPATHY: No, that's fine. And so, Dean, does the independent company employ the rangers?

5 MR YIBARBUK: Yes. We - we employ about 150 during the dry season casuals,  
and part-times. They all come in. The young ones who is very keen to come and  
work and learn something different, they invite. Even the traditional owners, during  
the first early dry season, we are out there, out in the dry areas, out in the  
10 communities or out in the bush where our senior elders are living. We consult with  
them, and they will let us know, you know, who to come and do the burning. So most  
of the employment is done by our own company. We employ our rangers. But --

MS AMBIKAPATHY: Thank you. I beg your pardon. Please go ahead, I'm sorry.

15 MR YIBARBUK: That's all right. Of course, we're scratching our backs trying to  
get - introducing employment remuneration, salary packages for our land use has  
been working for decades. But yes, now we're trying to cheer everyone else,  
everybody that is in our team, but we are working always to increase their payments.  
But anyhow. Then we see healthy young looking fellas - but there's a lot of interest  
20 working over the years seeing the young fellas coming in, trying out, working and  
doing the fire work and learning here, you know, they keep coming back. We're  
seeing the same - they enjoying it, working out in the bush and seeing their  
grandfathers' Country as well.

25 MS AMBIKAPATHY: So has it been a way of bringing another generation of people  
back onto Country?

MR YIBARBUK: That's what we are trying to develop. You know, we want to see  
more traditional owners in that plateau, making sure that in the long run we want to  
30 see new leaders, new generations to be able to step on it and continue the same  
experiences as we developed. But for us, we're continuing training for our young  
ones, give them knowledges for land, clan groups, ownerships, and all things like  
that, that must be protected through our own Indigenous understanding.

35 MS AMBIKAPATHY: Thank you. And so, Daniel and Russell, thank you for  
waiting patiently. I have some questions for you now. I understand that you are at a  
different stage in terms of reconnection and reinvigorating burning and cultural land  
practices in your areas, and I was wondering if you could just talk a little bit to that,  
that capacity building work that's being done in the community?

40 MR MILLER: Sure. Thank you. So we're - yes, we're different state, I suppose. So  
the Gunaikurnai have a settlement area of 1.3 million hectares, which seems big but  
probably pales in significance to some of the other mobs. We do have - and we're  
funded - one of our two core funding areas is for joint management. So we have  
45 some joint management rangers. We have rangers as well, and they're employed  
full-time. In terms of burning and burning activity, we - we, you know, engage all  
our field staff who are interested in participating. So we can have sort of up to 10 or

12, perhaps 14, staff doing that. But, as you said, it's where - we feel we're at a point where we're wanting community to revisit this in a safe and, you know, in a constructive manner that allows older community members to demonstrate a lead and their knowledge, and younger community members to feel safe in learning that and practising that.

So we're working with our State partners to find opportunities to undertake burns or associated, sort of, works in a way that is - that protects our staff and allows them to learn that in a way that suits them and practise it in a way that suits. And that's all stages. So the planning and the preparation and the consideration of what they're doing, the delivering and then the - and then revisiting the Country and, you know, and deciding amongst themselves and ourselves where - whether, in their eyes, it was successful or not.

MS AMBIKAPATHY: So, Daniel, if I could take you through some of those steps that you went through. So, first of all, you talked about partnering with State agencies or working with State agencies. What did you mean by that and what does that look like?

MR MILLER: So we currently consider the State to be a significant partner in this - in this space with us. So we - so five of my staff are trained --

MS AMBIKAPATHY: If I can just clarify: as in the State of Victoria?

MR MILLER: Sorry, yes. Sorry, the State of Victoria. Five of my staff are currently trained as conventional firefighters with the State and over the summer just gone they participated in fire response throughout the whole period, and did very well. The State - sorry, the region of Gippsland have what they call a first custodians network where they've tried to support their Aboriginal staff and their Gunaikurnai staff to come together and work closer together as Aboriginal firefighters. So we're aligning fairly closely with those first custodians, that first custodians' network.

We do see the State as a significant partner, so - and we - we try and work closely with them to, you know, to deliver what we see as our aspirations. But we do see some significant gaps in - in how we're resourced as a land manager to be able to do this properly and effectively. We're not currently - we don't receive any funding for fire-related work, direct fire-related work.

MR MULLET: I think we're in front in another line though, and that is the management of our heritage in relation to disasters. We're invited into the incident control centres that are set up for bushfires or for other emergency events, like oil spills or beach whalings, and we can advised planners and situation officers around how to manage any cultural values in relation to an emergency. That has been a long, long road I think. Our recommendations from the alpine fires in 2003-'04 was to have Indigenous community members leading where bulldozers operate and to flag particularly important places in our landscape. So they weren't going to be harmed by suppression - fire suppression activities.

In relation to beach whales, you know, they wanted to put the carcasses in the sand dunes. These are places where ancestors have been buried. So we need to direct those sort of activities around emergencies. And I think that has been a strong thing for us  
5 in Gippsland, given the number of bushfires, the number of emergencies that we've had here and, you know, government are being fairly - very supportive of that. I shouldn't say fairly supportive, have been very supportive. But, once again, it's the technical knowledge feeding into that system so that it's not just pulling people off the street to put into this - these roles. These roles are knowledge about archaeology,  
10 knowledge about where to go for cultural knowledge. There's a whole mix of skills that need to go into that sort of management.

MS AMBIKAPATHY: And in terms of the involvement in incident management teams when there is an active wildfire, how does that participation come about?  
15

MR MULLET: When a level 3 incident arises, the incident controller can call GLaWAC and western outlet to go in. They will look at maps. We'll be able to then target where fire might be predicted to run, what sort of activities might be used for fire suppression or exclusion areas. So, you know, it's a - it's a combination of, I  
20 guess, getting to a certain level in the bushfire or in an emergency and they need cultural advice about.

MS AMBIKAPATHY: Does that sound - sorry, go ahead.

MR MILLER: I was just going to add, I think from our experience that could be very successful how that happens. One of the concerns that I guess I have is that it's - it's based perhaps too much on personal relationships. We - I guess, we've included in our submission that we think there could be perhaps stronger trigger points that - that encourage the - or not encourage, direct the incident to an appropriate traditional  
30 owner group if there is one that can support them.

MR MULLET: And I think, you know, across the State of Victoria, there are differences. Like, Gippsland I think we've got to a certain understanding with forest fire managers. I think in other sections of Victoria, other regions, it may not be as well, sort of, adopted as a model.  
35

MS AMBIKAPATHY: And so in terms of - I spoke to some of the other panel members, or they gave evidence about the ingredients that make a successful traditional fire management program in their communities. Can you talk to what ingredients make a successful traditional fire management program for you in your communities?  
40

MR MILLER: Sure. I think because we're at a different point, I think for me and for my staff, I think it's about feeling that they have a - a lead in - in deciding - or in  
45 planning, in undertaking, you know, in delivering the work. So it has been critical in our experience that they feel like they have a level of control. They're not just a resource that's, sort of, deployed by the State to do a task. There is some discussion

and some connection with community on what they want to do and how they want to do it, and that they can do it and deliver it. And they're seen by the State as being a competent deliverer of a fire activity.

5 MS AMBIKAPATHY: And when you talk about your staff, Daniel, can you just describe the staff that you have and what their roles are?

MR MILLER: Yes. So we've got - so GLaWAC is around 65 staff, I think. The on-country component of that comprise a number of field crew across the ranger  
10 work ..... work and some NRN work. But any of those staff members would be welcome to participate in any burning activity. Five of those have been trained as conventional firefighters, and which I encourage and they participate in DELWP - sorry, in State led and delivered prescribed burns and response to fire. And we have a number of certainly senior people like Russell who are quite experienced  
15 in a whole-of-landscape sense.

MS AMBIKAPATHY: One of the pieces of evidence that was given earlier today was around transferring the responsibility of hazard reduction measures to traditional owners as part of a fire practice, as part of their broader land management practices,  
20 and that that was a responsibility that was not necessarily appropriate to transfer. In terms of when you're building capacity, is that something that you're conscious of when you're building capacity within our teams and when you're building confidence in the individual community members are actually participating in these programs?

MR MILLER: Absolutely it's paramount. I'm really conscious to not put any of GLaWAC's people in a position where they're responsible for a prescribed burning campaign in a way that the State view it. So it's a different type of activity for us. It's - an outcome might be reduced fuel loads but it might not be as well. And it depends on what the - why that burn is going to happen and why those people are  
30 going to do that. And it's their choice, and I do not want any of them to be held up as being a protector or a non-protector of any assets.

MS AMBIKAPATHY: And --

MR MILLER: And then - and so GLaWAC, sorry, we've also kicked off a bit of a feasibility study to look at a south-east, what we're thing of as a south-eastern Australia centre for learning burning activities that - that will have some focus  
35 on - you know, on a cultural burn, whatever that means, for whatever mob wants to participate. We would encourage Oliver and Victor to be a part of that with their programs and we would also encourage the State to deliver theirs. So we sort of see it as something which can work for all of south-east of Australia to bring that sort of  
40 stuff together and to help Aboriginal communities to make decisions that suit themselves and do some learning and practice together.

MS AMBIKAPATHY: And in terms of the capacity building and the learning that's happening, have you been able to undertake any community-led burning or fire management?

MR MILLER: Yes, we have, and we've been - so my crew have been part of a couple of - not too many - several burns with the State partners, and they've taken a lead role in two. And they are, you know, relatively modest burns, and - and to be honest,  
5 the - we're at the stage where the successful outcome for that is not necessarily that a whole reserve, for example, has been burnt or the fuel's been reduced. It has been about the people undertaking the activity in the way that is building confidence and helping them to make decisions and - and work together.

10 MS AMBIKAPATHY: And one of the challenges you had identified was capturing that local knowledge and passing it down to generations and bringing it within the community that it's currently with individuals. And are there any initiatives that you're putting in place to bring that knowledge together and pass that on?

15 MR MULLET: I think the bigger partnership is the whole community. So here in Gippsland we - we live down on the low lands. There are communities and non-Aboriginal communities living up in the mountains that have been impacted by bushfires since 2003-'04. You know, I can name 2003-'04, 2007, 2009, 2015, you  
20 know, we've had numerous wildfires running through our mountain landscapes and occasionally, well, often they jump out and impact on the community. And, you know, they may well be non-Aboriginal communities. They're still communities with a lot of knowledge.

And I think one of the things, you know, I've been involved in, in most of the fires in  
25 Gippsland since 1994, going back through those burnt countries, assessing - because it opens the country up, you can see what's in it, the archaeological, the old people's evidence that's been left on the ground. And talking with a lot of people - I've lived up in the mountains for 10 or 12 years - with some of the old farmers there have got great knowledge about landscapes. It's not our people but they have knowledge about  
30 these landscapes. And there is a strong frustration from those folk that their knowledge isn't fed into incident control centres when bushfires are running; you know, which way the wind blows from at certain times of the summer, where the risk areas that they would have identified are not fed into that system, it's controlled from the incident control centre. And quite often that knowledge is totally ignored.  
35 And if we're going down this path of cool burning regimes, or cultural burns, we would like to have relationships with those knowledge people, and talk to them about what they would like to see on that landscape as far as cool burning regime to reduce their risk for being harmed by bushfires.

40 MR MILLER: And, sorry, I will just add to that as well. One of GLaWAC's initiatives in that space, and we're focusing on the traditional owners at the moment, is the creation a knowledge holder group which will fulfil the role of giving people that safe place to express their views, to impart their knowledge, and to undertake activities and to teach those that want to learn that they're able - that's it appropriate  
45 for them to learn. So that fine knowledge holder group will be a part of GLaWAC, and we will work to making that operational once we're able to bring old people in the community back together.

MS AMBIKAPATHY: Thank you. And so, Russell, going back to your evidence in terms of local knowledge being incorporated into incident management team responses, how do you see that happening? And in terms of that local knowledge,  
5 local Indigenous knowledge, is that one component of the local knowledge?

MR MULLET: Look, I think I'm on a program of prevention. You know, if we're going to use prescribed burning and cool burning regimes, we've got to use the knowledge that's out there, whether that's coming from our community or whether  
10 it's coming from the non-Indigenous community. And it's a shared responsibility of keeping safe. Reducing our risk. Everyone's talking about climate change, warmer weather. You know, the increase in fires since 1994, or previous to 1994, yes, we might have had a few incidents. The last big one was 1939 here in Gippsland, and so we're seeing an increase. And so we've got to work across our whole community to  
15 look at prevention methods. And if the fuel loads aren't in the forests, there's reducing a risk. And that's the bigger, harder, I guess, debates.

We've got to get their egos out of the equation. It's about community safety. And, you know, we should, as Indigenous people, be leading some of discussion and  
20 seeking input from people right across the community. You know, we've got a lot of different political angles, and of course, the Greens there. We've got, you know, old landowners up there who have voted for the National Party for a long time so there's politics in it. But that shouldn't play a part in the way the land is managed. One of the things about Gippsland, and I will say it straight out now and I have said it for many  
25 years, is that it's a landscape that the colonial governments and recent governments have been putting lives on and labelling it, and it's managed differently. In a national park, it's managed different from a State park, as opposed to a coastal one. And so you have all these rules to the landscape, but the land is still the land and it needs to be managed totally, not by this idea of tenure, but by helping places, safe places, for  
30 our communities.

MS AMBIKAPATHY: I think that might be a point where I might invite the Commissioners. I don't have any further questions at this stage.

35 COMMISSIONER BINSKIN: First of all, I would just like to thank Daniel and Russell. I think that was a - that was a brilliant personal view of a way forward, and I appreciate the passion with which you gave that. Can I just go to Commissioner Bennett, please, she has a question.

40 COMMISSIONER BENNETT: I do actually and I'm going to ask Tyrone because he's the one who, when he was talking, made me think of it. Tyrone, and I understand everything that was said about Gippsland and I think that has been unbelievably helpful in terms of the south-east and the way, you know, with the populations and the change of use of the land and community. But you gave a lot of  
45 evidence about, or talked a lot about the broader aspects in the Kimberley, and you said two things. You said - well you said a lot of things but the two things I'm picking up on, is you said country comes first. And then you also made reference to

the fact that in the Kimberley you're also dealing with other interests such as agricultural interests. And I wanted to have an understanding from you in that context of, having spoken about how you use the knowledge to deal with Country that is perhaps unchanged or largely unchanged over the generations, how do you use that knowledge and do you - I mean, you adapt to the fact that some of that land has changed.

The usage has changed within the Kimberley and you've got commercial interests that other people or even perhaps the Kimberley Land Council itself having commercial ventures there or there are other parties involved. So how do you deal with the country comes first, the traditional knowledge that applies, you know, over the generations and how do you adjust or do you adjust for the fact that there are other interests to be taken care of and other usages of the land?

MR GARSTONE: Thanks for that question. Yes, definitely, in considering how we go about it. I think one of the key elements is, it also is around how the land tenure in Western Australia, and most probably across the rest of Australia as well, is viewed because quite often a lot of the fire programs that we deliver is actually born off the back of native title rights, and quite often these rights aren't received, or native title is actually seen as proprietary rights. So quite often legislation doesn't write that in, and a lot of the policy, sort of, is a bit grey around native title rights in Western Australia.

So when working in with pastoralists and agriculturalists, quite often we have to be mindful of who has the right authority under a legal context. And quite often it's not the traditional owners, it's either the leaseholder in that particular viewpoint. So, yes, consultation has happened with them in regards to saying, you know, even though there may be what we would say non-exclusive native title rights over a pastoral lease, and we would say generally, this is how we would culturally burn this area, taking into consideration the activities that may be happening on there and also the legal construct of who has the final say on how that land is managed. So it is a challenging thing but that's some of the difficulties that we have to try and work through.

COMMISSIONER BENNETT: But if I can take it even more conceptually, if I might. Assume that it is exclusive native title that you're not sharing with a pastoral lease, even within those areas there must be some use of the land that has changed in recent times, even, let's say, I don't - I'm assuming some use of the land or some change of the land even within the parts that are totally owned and managed or controlled by the Kimberley Land Council. But dealing with the concept of that, how do you adjust or do you adjust traditional practices to deal with that? I'm assuming that you do?

MR GARSTONE: Yes, you do. I mean, you have to accommodate that. As we are finding more autonomy within our own regions, people are trying to find that balance between maintaining their cultural obligation to Country and also trying to generate an economy out in these areas to have people continue to, I suppose, live and reside out there, because - and how do you fit that in? So, really, again through planning,

we're having to have a look at that. Again, further consultation with broader neighbours as well because quite often there's a number of different neighbours through that. So there is a different approach that is required. But in regards to the techniques, the techniques generally stay the same. I think it's just the level of consultations that you have to have with all the different stakeholders, and also what each group may be intending to do with that particular land use.

COMMISSIONER BENNETT: Thank you very much indeed for helping me with that answer.

COMMISSIONER BINSKIN: Commissioner Macintosh.

COMMISSIONER MACINTOSH: Thank you Chair, thank you all for your evidence this afternoon. Really appreciate it. Tyronne, if I can ask you a question. You mentioned before about how you get funding from the Indigenous Rangers Program, how you get funding out of the IPA, the Indigenous Protected Areas Program. We've also heard and seen evidence that you get money out of the Emissions Reduction Fund. I'm just wondering whether you can give us a feel for the relative importance of carbon money relative to those other sources of income to support these sorts of things?

MR GARSTONE: Yes, sure. I just most probably want to make it clear as well, with the IRP program and the IPA program, it isn't specifically to do fire burning. You know, fire burning is just one element out of the program that we run out of that. So we're fairly fortunate to do that. And across the whole of the Kimberley, not all the ranger programs are able to generate carbon credits. It really depends on the actual landscape and the amount of rainfall that they have. But for those that are able to actually generate an income for them, it really does play a pivotal role, because again I will tie this back to the native title construct, is through the native title process, once you get your native title determined, there's an entity called the Prescribed Body Corporate that actually holds the land on trust for traditional owners.

Quite often these entities have no resources to be able to manage their Country, to manage the society within that Country and what we're seeing is that, you know, in the particular cases we've seen millions of dollars actually generated through the sales of these carbon credits. They're being able to actually play a role in trying to establish sound governance in these particular corporations as well as trying to run social programs that will further leverage off the work of the fire burning and what the rangers do as well. So they're really, really important at this stage.

COMMISSIONER MACINTOSH: Are they a top-up? I can see a base funding come out of those other two programs. I'm just trying to get a feel for the relativity. Is the carbon the icing on the top with the other programs providing the base or is it the reverse?

MR GARSTONE: Yes, look, really at this stage we would love to have more people out on Country. And the carbon - money is generated from the carbon, put back into

some of the program funding. So if you like, there is - the carbon is sort of seen as the cream at this particular point in time.

COMMISSIONER MACINTOSH: Yes.

5

MR GARSTONE: But we would say that we're inadequately funded from the basis of the IRP funding and the IPA funding because we would love to have more rangers out there as well.

10

COMMISSIONER MACINTOSH: Thanks very much. Could I ask a follow-up, Chair, if you don't mind just to Victor and Oliver. And operator can you help me by pulling up FAI.500.001.0113. Hopefully they're able to see the document. I presume they are. The second and third paragraphs there, they're explaining how cultural burning can help reduce fire risk. And my interpretation of that is that those cool cultural burns can do this in two ways. One is by - because they're less intense than your standard prescribed burning or higher intensity burn that you have less leaf and bark fall after the burns and that means there's less fuel on the ground, and the other way is that, because they're less intense, then they don't prompt the germination of, say, shrub species that then become elevated fuels and then raise the fire risk going forward. Is my interpretation correct there, or can you clarify those comments?

15  
20

MR GARSTONE: Yes, that's - thank you for the question. Yes, that's the gist of it. I guess, I think it's a really important point that you've picked up, and that's one of the concerns we've been raising. I live - I'm from Bundjalung country in northern New South Wales, and I've worked with communities all through that sort of south-east here. And being able to spend time - and Victor can follow-up and attest this - spending time in this country and seeing so much of this country that has been burnt the wrong way, whether that has been a prescribed burn or hazard reduction, whether it has been back-burning or whether it's the absence of appropriate fire or a wildfire, there's a lot of country that's sick. And this is what we're arguing, that we need to introduce more cultural burning to be able to - you know that first stage, be able to apply the right fire for Country so you can reduce those fire fuels, but, more importantly, burn for the health of that country.

25  
30

35

So we're increasing the abundance and the productivity of the systems and the values that cultural custodians have with that place. So I guess secondly, it's reducing those negative impacts from inappropriate fire regimes and starting to bring it back to health, so we can avoid future events, because from the way I see it, one of the legacies from this recent - and it's not just Black Summer - these fires started in late winter at home and we were running for weeks and months before people even realised what was happening out there.

40

45

And so there's huge landscapes being burnt over a fairly short period of time over really extensive areas, and the immediate response in all these areas is going to be fuel accumulation, shrubs; and we're not seeing the kind of strategies that I think we really need to be implementing in the short-term to redress - like, or do that restoration burning so we can stop some of these inappropriate responses. Some of

them are weeds and some of them are natives, but it's about the health of that country and the kinship of those species.

COMMISSIONER MACINTOSH: Thanks, Oliver.

5

MS AMBIKAPATHY: Victor, would you like to add to that?

MR STEFFENSEN: Yes. So there's, you know, like each different ecosystem has its fire, you know, in a different place, a different time for different soils and different trees. And when we look at the country now it's full of vegetation that don't belong here. And so it boils down to the question of why are you burning and what you're burning for, and what plants that you want to see come up with those burns. And if we're just burning hazard reduction and not - and without that knowledge of why you're burning and what you're hoping to achieve in terms of the cultural values, then we're not making those and particularly ecosystems to their fullest to health; e.g., that system has a resilience at different times of year for each different place.

And when we burn for the right vegetation, that makes our burning easier, it brings up the native grasses. But when we burn them incorrectly, because you've got to remember there's two seed banks in the country now: we have the native seed bank and we have the introduced seed bank. And different temperatures and soils will spark up different vegetation. And when we burn at the wrong timing and wrong way in some systems, then we get the weeds and vegetation that don't belong to those soils.

25

And what happens is that that closes the burning window because those vegetations are too green at the right time when you're supposed to burn for that country. And so we get vegetation that don't belong there, that doesn't cure the native grasses and the native plants do. And that's where a lot of hard work comes in into preparing the landscape for the fire by using different techniques to do that.

30

So there's all - there's a whole range and it's so complex, and I can't really go through all of them because there's so many different situations for different ecosystems around different weeds. And that's why I say the baseline knowledge of understanding those landscapes from the traditional knowledge is that baseline to be able to heal landscapes; and not only for our weeds but also for invasive natives as well that come from no fire country, that's country that we don't burn like rainforests and other different systems. And when we burn those systems the wrong way, those introduced species - I'm sorry, those invasive native species, they actually come out of their place and they go and populate the other systems and eventually you get like wattles and tea tree, there's so many different culprits of invasive natives that spread out across different ecosystems and then we lose our diversity.

40

And that is what creates the massive amount of fuel loads for the next season and it's those invasive natives that - sorry, it's those - yes, those invasive natives that actually push the fires into the canopies and don't burn at the right time. And so there's particular burning styles, and the way that we adjust that is burning off the right time

45

in some cases depending on what vegetation is there and the soils. And in the clever way that brings the heavier fuel loads down and sometimes two or three fires in one season on one ecosystem and so there's more time to be needed and taken and care and love for the country to bring it back to health to make it easier to burn next time and so we can burn more frequently. We can burn without burning and harming the plants and keeping the fires cooler. And that opens up our burning window when we apply this knowledge because it improves the health of the landscape.

And yes, people talk about burning windows in terms of droughts and window getting narrower, that's what a lot of western people say, but they don't consider the meaning of Country and understanding the soils and plants, and that also is a huge factor in being able to burn even when the conditions are unfavourable in terms of not enough rain or so forth, or a little bit more drought. Understanding that knowledge allows us to be able to apply fire still.

And, you know, there's a lot of country out there that can't burn and it's a massive fuel load time bomb waiting to go off, and that is also no food for the animals and there's no - we're losing those cultural plants and those native plants that belong to our native animals and also the people. So it really is a lot of layers and very complex. And over all the years of doing this work with communities it's always been successful from the traditional knowledge baseline. But the problem is that people aren't skilled in reading landscapes this way and people aren't skilled.

Also the jobs are nine to five and there needs to be - the jobs aren't nine to five, it's forever, and it's the passion. And so the rangers up in the ..... mountains, they sleep and camp overnight, and do burns in different ways to get that country back to health, so that it can be applied rightly. And that has to happen, because if we're just out there willy-nilly and not knowing what we're doing then we're continually making sure that job even harder for us down the track. And that needs to be addressed and we can't do it without, you know, getting that nine to five.

We need change right across the board, even with our employment structures and, that you be able to apply this type of methodology. And we need to be able to go back and spend time in those systems and not just rock up and burn and walk away, and oh, if it doesn't burn then just leave it, you know. We have to prepare that country so there's a lot of work involved, so we need more employment and a lot of education for our young people and this is what fascinates people and this is what reconnects them to the land. This is what builds their culture as well as healing landscapes.

COMMISSIONER MACINTOSH: Thank you.

MR STEFFENSEN: So that complexity is crucial.

COMMISSIONER MACINTOSH: Thanks very much, Victor. Thank you for that glimpse into what is obviously a very complex area.

MS AMBIKAPATHY: So Tyronne, I have one additional question for you, and that was in relation to the work that the Kimberley Land Council is doing in Botswana and with various Botswanian communities. Are you able to talk to that work?

5 MR GARSTONE: Yes, definitely. So basically when we talk about knowledge transfer, it's not only happening within our communities, our groups and our kinship. You know, Botswana have very similar savanna country like the Kimberleys. So we were fortunate enough, it's nearly 18 months ago now that we sent a delegation of Kimberley rangers over to Botswana to work with the Botswanian government  
10 around how they perceive fire management.

You know, there was a number of rangers from both the Northern Territory and also ..... that went across and here we really started to show people there not to - because they come from a culture where they fear fire and it's not - so we were  
15 trying to teach them how to manage Country and how fire to us is an innate enabler for us to manage our Country. So through that process we've been able to then have a delegation come from Botswana back to the Kimberleys, meet with a lot of our ranger groups, talk about how we do fire management, how we work with the community so that they have ownership of it, and how we transfer the benefit and  
20 also talk about how the benefits are beyond just the fire project itself, how it reaches into the communities.

And this is something that we'll continue to work with, with the department of DFAT in trying to find other jurisdictions so that we again can share the knowledge that's  
25 coming from, you know, our First Nations people here in Australia to the rest of the world because I think if you start having a look at the figures across the whole of the globe, you know, Indigenous people make up five per cent of the population, yet we're custodians for about 25 per cent of the land mass. So it really does make us a key stakeholder when we start talking about land management and how we do that.  
30 So if we can share what we're doing here in Australia with other nations, I think the outcome will be great for the human race.

COMMISSIONER BINSKIN: Thank you very much. And I think that's good to get out the international aspects of what is happening here as well, and sharing the  
35 knowledge. So I appreciate you being able to summarise that for us.

MS AMBIKAPATHY: Just checking if there's any matters.

COMMISSIONER BINSKIN: Yes, please.  
40

MS AMBIKAPATHY: No matters have been raised.

COMMISSIONER BINSKIN: No matters have been raised. From the Commission's side, I would like to thank the panel the afternoon and the other panel members  
45 throughout the day. It's helped the Commission get a far better understanding of the issues around Indigenous practices and where they do relate to natural disasters and in particular bushfires, and being able to provide some recommendations on the way

forward for this for the nation. So thank you very much and we appreciate it, gentlemen, you taking the time this afternoon.

5 MS AMBIKAPATHY: Chair, could the witnesses please be released from their summons?

COMMISSIONER BINSKIN: The witnesses can be released from their summons. Thank you very much.

10 MS AMBIKAPATHY: Thank you.

COMMISSIONER BINSKIN: Ms Hogan-Doran?

15 MS HOGAN-DORAN SC: Chair, Commissioners, there's no further matters for this afternoon. We would now adjourn till 10 am on Monday when we will begin our investigation of perspectives of local government in national and natural disaster arrangements.

20 COMMISSIONER BINSKIN: Okay. We will take an adjournment until 10 o'clock Monday, Canberra time. Thank you.

**<ADJOURNED 4:30 PM TO MONDAY, 22 JUNE 2020 AT 10 AM>**